

City of Kelowna Public Hearing AGENDA



Tuesday, March 12, 2013
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

THE CHAIR WILL CALL THE HEARING TO ORDER:

1.(a)The purpose of this Hearing is to consider certain bylaws which, if adopted, shall amend *Kelowna 2030 - Official Community Plan* Bylaw No. 10500 and Zoning Bylaw No. 8000.

(b)All persons who believe that their interest in property is affected by the proposed bylaws shall be afforded a reason-able opportunity to be heard or to present written submissions respecting matters contained in the bylaws that are the subject of this hearing. This Hearing is open to the public and all representations to Council form part of the public record. A live audio feed may be broadcast and recorded by Castanet.

(c)All information, correspondence, petitions or reports that have been received concerning the subject bylaws have been made available to the public.The correspondence and petitions received after February 26, 2013 (date of notification) are available for inspection during the course of this hearing and are located on the information table in the foyer of the Council Chamber.

(d)Council debate on the proposed bylaws is scheduled to take place during the Regular Council meeting after the conclusion of this Hearing. It should be noted, however, that for some items a final decision may not be able to be reached tonight.

(e) It must be emphasized that Council will not receive any representation from the applicant or members of the public after conclusion of this Public Hearing.

2. Notification of Meeting

The City Clerk will provide information as to how the Hearing was publicized.

3. The Mayor will provide comment on procedures for each bylaw submission.

4. Individual Bylaw Submissions

- 4.1 Bylaw No. 10804 - Text Amendment Application No. TA12-0012 - Text Amendment to Zoning Bylaw for Care Centre and Housing Agreement Updates** 5 - 18

The purpose of this application is to update the Zoning Bylaw by removing all references to housing agreements, and updating the definitions, parking, loading requirement, and development regulations for “care centres”.

- 4.2 Bylaw Nos. 10806 and 10807 - Official Community Plan Amendment Application No. OCP12-0009 & Rezoning Application No. Z12-0055 - 2980 Gallagher Road** 19 - 33

The applicant is proposing to amend the Official Community Plan (OCP Future Land Use Designations for a portion of the Kirschner Mountain development lands, and to rezone a small portion of one of the subject properties.

- 4.3 WITHDRAWN BY APPLICANT - Bylaw Nos. 10808 and 10809 - Rezoning Application No. Z12-0068 and Text Amendment Application No. TA13-0002 - 1121, 1131, 1141 & 1151 Brookside Avenue** 34 - 56

To consider rezoning the subject properties from the RU6 – Two Dwelling Housing Zone to the RM3 – Low Density Multiple Housing Zone to accommodate the proposed 68 unit purpose built rental townhouse development. To consider a Text Amendment to the RM3 zone to increase the base density to 0.75 and to provide an additional 0.1 density bonus for projects located within Urban Centres.

- 4.4 Bylaw No. 10810 - Official Community Plan Text Amendment Application No. OCP12-0014 - 3762-3766 and 3756 Lakeshore Road** 57 - 117

To consider an OCP amendment to OCP Objective 5.5, Policy .1, Building Height to exclude the development proposed at 3762-3766

Lakeshore Road from the OCP's Building Height Policy in order to permit a permit one 10 storey and one 12 storey apartment hotel where the height maximum is 6 storeys.

5. Termination

6. Procedure on each Bylaw Submission

(a) Brief description of the application by City Staff (Land Use Management);

(b) The Chair will request that the City Clerk indicate all information, correspondence, petitions or reports received for the record.

(c) The applicant is requested to make representation to Council regarding the project and is encouraged to limit their presentation to 15 minutes.

(d) The Chair will call for representation from the public in attendance as follows:

(i) The microphone at the public podium has been provided for any person(s) wishing to make representation at the Hearing.

(ii) The Chair will recognize ONLY speakers at the podium.

(iii) Speakers are encouraged to limit their remarks to 5 minutes, however, if they have additional information they may address Council again after all other members of the public have been heard a first time.

(e) Once the public has had an opportunity to comment, the applicant is given an opportunity to respond to any questions raised. The applicant is requested to keep the response to a total of 10 minutes maximum.

(f) Questions by staff by members of Council must be asked before the Public Hearing is closed and not during debate of the bylaw at the Regular Meeting, unless for clarification.

(g) Final calls for representation (ask three times). Unless Council directs that the Public Hearing on the bylaw in question be held open, the Chair shall state to the gallery that the Public Hearing on the Bylaw is closed.

Note: Any applicant or member of the public may use visual aids (e.g. photographs,

sketches, slideshows, etc.) to assist in their presentation or questions. The computer and ELMO document camera at the public podium are available. Please ask staff for assistance prior to your item if required.

requirement for the operator of the “care centre, minor” to reside at the dwelling, and reduce the parking and loading requirements. Additionally, a change in the terminology to “child care centre” is proposed to assist in identifying this use.

The current parking regulations are excessive considering that the number of children is limited and few to no employees are anticipated to park at the site. The current parking regulations are often the factor that prohibits the retrofit of a “care centre, minor” within a single family dwelling. It is anticipated that this amendment will facilitate the creation of additional care spaces within the City.

Amendments are proposed to the required number of loading spaces for the “care centre, major” use. It is proposed that the number of spaces be aligned with the proportion of children at a facility which is in keeping with other institutional uses. For instance, we require a minimum of 5 loading spaces for secondary schools, or 1 per 2800m² GFA for institutional uses. The current requirement for a minimum of 3 loading spaces for a ‘care centre, major’ has been overly cumbersome and typically requires a variance. Therefore, this amendment is to recognize the functional reality of this use to current standards.

As per Council’s direction with the endorsement of the ‘Housing Strategy’, removing the references to housing agreements in the Zoning Bylaw 8000 is a necessary step to eliminate confusion to the development community.

In summary, child care is still an undersupplied community service in our City. Staff are proposing changes to the definition, loading and parking requirements to be more reflective of facilities already existing and to address development regulations that typically require variances.

4.0 Proposal

Proposed amendments are discussed in detail below, however the exact wording changes are noted in Schedule ‘A’.

1. Change to the “Care Centre” term:

By changing the term “care centre” to “child care centre”, this aligns the definition and intention as per the “*Community Care and Assisted Living Act*” and allows Staff to introduce the use of “adult care centre” in a subsequent text amendment.

2. Revise the “Care Centre, Minor” definition:

The purpose of the ‘care centre, minor’ use is to allow residents the opportunity to have a daycare business for up to 8 children in their home. Part of the business is that the children have a home environment where they have care when away from their parents or guardians. It has come to Staff’s attention that some homeowners may be renting a portion of a home, (generally the basement) for someone else to provide child care. As this is not the intent, it is proposed to clarify the definition to ensure that the care is provided by the principal resident.

3. Removal of outdated “Care Centre, Intermediate” use:

In September 2011, the care centre definitions in the Zoning Bylaw were amended to align with the provincial regulations. Some references to the “care centre, intermediate” were not revised. This text amendment seeks to rectify the oversight.

4. Remove all references to “housing agreements”:

In response to a service request by Council, all references to “housing agreements” are being removed from section 2 - interpretation. Further, references in the appropriate zone where “housing agreements” are noted will be eliminated.

5. Reduction in the parking requirements for “Care Centre, Minor” use:

The current parking requirements for “Care Centre, Minor” are disproportionately high compared to other uses, which often triggers a variance application. Currently, a minimum of 4 spaces are required in addition to the 2 spaces for the principal dwelling. Given that it is proposed to revise the use definition, no additional parking is required for the child care provider and the only additional parking needed on the site will be to facilitate the pick up/drop off of children. It is being proposed that the number of parking spaces be reduced from 6 spaces to 4 spaces.

Typically a “Care Centre, minor” is located within a single family neighbourhood and serves children within the immediate neighbourhood. Therefore, the requirement for a total minimum of 6 spaces is onerous and restrictive for retrofitting many residential sites.

6. Revising Loading changes:

Loading spaces are defined as “*on-site parking space reserved for temporary parking for the purpose of loading or unloading goods and materials*”. Given that the “care centre, minor” use is limited to a maximum 8 children within a single family context, provisions for loading of materials is not required. Further, an amendment to the number of car loading spaces for the “care centre, major” use is proposed to be reduced and aligned with the number of children at the facility.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Policy .2 Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs per ha located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.²

Child Care Collaboration:³

Collaborate with community, government and agencies for the provision of childcare in the City.

² Official community plan Objective 5.2 Community Sustainability

³ Council Policy - Social policies 360

6.0 Technical Comments

No technical comments or concerns were received from other departments or agencies with the exception of Interior Health which is attached.

Report prepared by:

Birte Decloux, Land Use Planner

Reviewed by: Danielle Noble, Manager, Urban Land Use Management

Approved for Inclusion: Doug Gilchrist, Acting General Manager, Community Sustainability

Attachments:

Schedule 'A'
Letter of support
Technical comments

SCHEDULE 'A' Housekeeping Text amendments
TA12-0012

Zoning Bylaw No. 8000

No.	Section	Existing Text	Proposed Text
1	2 - Definitions Care Centre, Minor	CARE CENTRE, MINOR means an establishment licensed under the <i>Community Care and Assisted Living Act</i> intended to provide care, educational services, and supervision to no more than 8 children.	CHILD CARE CENTRE, MINOR means an establishment licensed as required under the <i>Community Care and Assisted Living Act</i> intended to provide care, educational services, and supervision to no more than 8 children. The care must be provided by a principal resident that resides at the dwelling for more than 240 days of a year.
2	Care Centre, Major	CARE CENTRE, MAJOR means an establishment licensed as required under the <i>Community Care and Assisted Living Act</i> intended to provide care, educational services, and supervision for more than 8 children.	CHILD CARE CENTRE, MAJOR means an establishment licensed as required under the <i>Community Care and Assisted Living Act</i> intended to provide care, educational services, and supervision for more than 8 children. <i>Change name for Care Centre, Minor and Care Centre, Major to Child Care Centre, Minor and Child Care Centre, Major in all use references that it occurs.</i>
3	GROUP HOME, MAJOR	GROUP HOME, MAJOR means a care facility licensed as required under the <i>Community Care Facility Act</i> to provide room and board for more than 6 residents with physical, mental, social, or behavioural problems that require professional care, guidance and supervision, but does not include boarding or lodging houses or temporary shelter services. A Housing Agreement pursuant to Section 905 of the <i>Local Government Act</i> filed in the land title office on the subject property is required as a condition for a group home use.	GROUP HOME, MAJOR means a care facility licensed as required under the <i>Community Care and Assisted Living Facility Act</i> to provide room and board for more than 6 residents with physical, mental, social, or behavioural problems that require professional care, guidance and supervision, but does not include boarding or lodging houses or temporary shelter services. A Housing Agreement pursuant to Section 905 of the <i>Local Government Act</i> filed in the land title office on the subject property is required as a condition for a group home use.
4	GROUP HOME, MINOR	GROUP HOME, MINOR means the use of one dwelling unit as a care facility licensed under the <i>Community Care Facility Act</i> to provide room and	GROUP HOME, MINOR means the use of one dwelling unit as a care facility licensed as required under the <i>Community Care and Assisted</i>

Zoning Bylaw No. 8000

No.	Section	Existing Text	Proposed Text
5	<p>Section 6 - General Development Regulations</p> <p>6.9 Housing Agreements</p>	<p>board for not more than 6 residents with physical, mental, social, or behavioural problems that require professional care, guidance and supervision. A group home, minor may include, to a maximum of four, any combination of staff and residents not requiring care. The character of the use is that the occupants live together as a single housekeeping group and use a common kitchen. This use does not include boarding or lodging houses or temporary shelter services. A Housing Agreement pursuant to Section 905 of the <i>Local Government Act</i> filed in the land title office on the subject property is required as a condition for a group home use.</p>	<p>Living Facility Act to provide room and board for not more than 6 residents with physical, mental, social, or behavioural problems that require professional care, guidance and supervision. A group home, minor may include, to a maximum of four, any combination of staff and residents not requiring care. The character of the use is that the occupants live together as a single housekeeping group and use a common kitchen. This use does not include boarding or lodging houses or temporary shelter services. A Housing Agreement pursuant to Section 905 of the Local Government Act filed in the land title office on the subject property is required as a condition for a group home use.</p> <p>Remove the entire section</p>
	<p>6.9.1 The Development Officer may recommend to Council that a housing agreement pursuant to the <i>Local Government Act</i>, as a condition of approval for special needs housing, contain contractual arrangements as to any, or all, of the following:</p> <p>(a) the use of the lot in relation to any existing or proposed building or structure including the preservation of buildings, structures and environmental setbacks;</p> <p>(b) the occupancy, form of tenure, availability, administration, management and rent provisions, of the housing units;</p> <p>(c) the timing of the development; and</p> <p>(d) such other conditions as may be considered reasonable under the circumstances.</p> <p>6.9.2 Increases in the maximum density are permitted to the density specified in the RM2, RM3, RM4, RM5, RM6 and C4 zones provided:</p> <p>(a) the owner enters into a housing agreement satisfactory to the City of Kelowna;</p> <p>and</p>		

Zoning Bylaw No. 8000

No.	Section	Existing Text	Proposed Text
6	Section 8 - Parking and Loading Table 8.1 Parking Schedule	<p>(b) such public benefit, determined by the City of Kelowna, may include affordable or special needs housing for sale or rental at below market rates to qualifying purchasers or tenants or, amenities or amenity improvements to public spaces or community facilities.</p> <p>6.9.3 All agreements entered into pursuant to Section 6.9 shall run with the land as a priority charge against the title of the subject lands at the Land Title Office.</p> <p>Care Centres, Intermediate Care Centres, Major Care Centres, Minor 1 per 10 children, plus 1 per 2 employees on duty; minimum of 4</p>	<p>Care Centres, Intermediate Child Care Centres, Major 1 per 10 children, plus 1 per 2 employees on duty; minimum of 4</p> <p>Child Care Centres, Minor 2 parking spaces plus the required parking for the corresponding principal dwelling unit.</p>
7	Table 8.2 - Loading Schedule	<p>Care Centres, Minor 1 car loading space Care Centres, Intermediate 2 car loading space Care Centres, Major 3 car loading space</p>	<p>Care Centres, Minor 1 car loading space Care Centres, Intermediate 2 car loading space Care Centres, Major 3 car loading space Child Care Centres, Major loading requirements: For 9 - 15 children 0 car loading space For 16-25 children 0 car loading space For 26 or more children 1 car loading space</p>
8	12. Rural Residential Zones RR1 - Rural Residential 1	<p>12.1.3 Secondary Uses The secondary uses in this zone are: (a) animal clinics, major (b) animal clinics, minor (c) bed and breakfast homes (d) care centres, intermediate (e) carriage house (A1s only) (f) group homes, minor (g) home based businesses, major (h) home based businesses, minor (i) home based businesses, rural</p>	<p>Replace "care centre- Intermediate" with "child care centre, minor" as follows: 12.1.3 Secondary Uses The secondary uses in this zone are: (a) animal clinics, major (b) animal clinics, minor (c) bed and breakfast homes (d) care centres, intermediate-minor (e) carriage house (A1s only) (f) group homes, minor (g) home based businesses, major</p>

Zoning Bylaw No. 8000

No.	Section	Existing Text	Proposed Text
9	12. Rural Residential Zones RR2 - Rural Residential 2	<p>(j) secondary suites</p> <p>12.2.3 Secondary Uses The secondary uses in this zone are: (a) bed and breakfast homes (b) care centres, intermediate (c) carriage house (RR2c only) (d) group homes, minor (e) home based businesses, major (f) home based businesses, minor (g) home based businesses, rural</p>	<p>(h) home based businesses, minor (i) home based businesses, rural (j) secondary suites</p> <p>Replace “care centre- Intermediate” with “child care centre, minor” as follows: 12.2.3 Secondary Uses The secondary uses in this zone are: (a) bed and breakfast homes (b) child care centres, intermediate-minor (c) carriage house (RR2c only) (d) group homes, minor (e) home based businesses, major (f) home based businesses, minor (g) home based businesses, rural</p>
10	12. Rural Residential Zones RR3 - Rural Residential 3	<p>12.3.3 Secondary Uses The secondary uses in this zone are: (a) bed and breakfast homes (b) care centres, intermediate (c) carriage homes (RR3c only) (d) group homes, minor (e) home based businesses, major (f) home based businesses, minor</p>	<p>Replace “care centre- Intermediate” with “child care centre, minor” as follows: 12.3.3 Secondary Uses The secondary uses in this zone are: (a) bed and breakfast homes (b) child care centres, intermediate minor (c) carriage homes (RR3c only) (d) group homes, minor (e) home based businesses, major (f) home based businesses, minor</p>
11	13. Urban Housing Zones RM2 - Low Density Housing	<p>13.8.3 Secondary Uses The secondary uses in this zone are: (a) agriculture, urban (b) home based businesses, minor</p>	<p>Replace “care centre- Intermediate” with “child care centre, minor” as follows: 13.8.3 Secondary Uses The secondary uses in this zone are: (a) agriculture, urban (a) child care centres, intermediate-minor (b) home based businesses, minor</p>
12	13. Urban Housing Zones 13.8 RM2 - Low Density Row Housing RM2h - Low Density Row	<p>13.8.6 Development Regulations (a) The maximum floor area ratio is 0.5, except it is 0.55 with a housing agreement pursuant to provisions of Section 6.9. Where screened parking spaces are provided totally under habitable or</p>	<p>13.8.6 Development Regulations (a) The maximum floor area ratio is 0.5, except it is 0.55 with a housing agreement pursuant to the provisions of Section 6.9. Where screened parking spaces are provided totally under</p>

Zoning Bylaw No. 8000

No.	Section	Existing Text	Proposed Text
	Housing (Hillside Area)	common amenity areas, the floor area ratio may be increased by 0.08 multiplied by the ratio of such parking spaces to the total required up to a maximum of 0.08.	habitable or common amenity areas, the floor area ratio may be increased by 0.08 multiplied by the ratio of such parking spaces to the total required up to a maximum of 0.08.
13	13. Urban Housing Zones 13.9 RM3 - Low Density Multiple Housing	<p>13.9.6 Development Regulations</p> <p>(a) The maximum floor area ratio is 0.5, except it is 0.55 with a housing agreement pursuant to the provisions of Section 6.9. Where parking spaces are provided totally beneath habitable space of a principal building or beneath useable amenity areas providing that in all cases, the parking spaces are screened from view, an amount may be added to the floor area ratio equal to 0.2 multiplied by the ratio of such parking spaces to the total required parking spaces, but in no case shall this amount exceed 0.2.</p>	<p>13.9.6 Development Regulations</p> <p>(a) The maximum floor area ratio is 0.5, except it is 0.55 with a housing agreement pursuant to the provisions of Section 6.9. Where parking spaces are provided totally beneath habitable space of a principal building or beneath useable amenity areas providing that in all cases, the parking spaces are screened from view, an amount may be added to the floor area ratio equal to 0.2 multiplied by the ratio of such parking spaces to the total required parking spaces, but in no case shall this amount exceed 0.2.</p>
14	13. Urban Housing Zones 13.10 RM4 - Transitional Low Density Housing	<p>13.10.6 Development Regulations</p> <p>(a) The maximum floor area ratio is 0.65, except it is 0.75 with a housing agreement pursuant to the provisions of Section 6.9. Where parking spaces are provided totally beneath habitable space of a principal building or beneath useable common amenity areas providing that in all cases, the parking spaces are screened from view, an amount may be added to the floor area ratio equal to 0.2 multiplied by the ratio of such parking spaces to the total required parking spaces, but in no case shall this amount exceed 0.20.</p>	<p>13.10.6 Development Regulations</p> <p>(a) The maximum floor area ratio is 0.65, except it is 0.75 with a housing agreement pursuant to the provisions of Section 6.9. Where parking spaces are provided totally beneath habitable space of a principal building or beneath useable common amenity areas providing that in all cases, the parking spaces are screened from view, an amount may be added to the floor area ratio equal to 0.2 multiplied by the ratio of such parking spaces to the total required parking spaces, but in no case shall this amount exceed 0.20.</p>
15	13. Urban Housing Zones 13.11 RM5 - Medium Density Multiple Housing	<p>13.11.6 Development Regulations</p> <p>(a) The maximum floor area ratio is 1.1, except it is 1.2 with a housing agreement pursuant to the provisions of Section 6.9. Where parking spaces are provided totally beneath habitable space of a principal building or beneath useable common</p>	<p>13.11.6 Development Regulations</p> <p>(a) The maximum floor area ratio is 1.1, except it is 1.2 with a housing agreement pursuant to the provisions of Section 6.9. Where parking spaces are provided totally beneath habitable space of a principal building or beneath useable</p>

Zoning Bylaw No. 8000

No.	Section	Existing Text	Proposed Text
16	<p>13. Urban Housing Zones 13.12 RM6 - High Rise Apartment Housing</p>	<p>amenity areas providing that in all cases, the parking spaces are screened from view, an amount may be added to the floor area ratio equal to 0.2 multiplied by the ratio of such parking spaces to the total required parking spaces, but in no case shall this amount exceed 0.2.</p>	<p>common amenity areas providing that in all cases, the parking spaces are screened from view, an amount may be added to the floor area ratio equal to 0.2 multiplied by the ratio of such parking spaces to the total required parking spaces, but in no case shall this amount exceed 0.2.</p>
17	<p>14. Commercial Zones 14.4 C4 - Urban Centre Commercial/C4rls - Urban Centre Commercial (Retail Liquor Sales) C4lp - Urban Centre Commercial (Liquor Primary) C4lp/rls - Urban Centre Commercial (Liquor Primary/Retail Liquor Sales)</p>	<p>13.12.6 Development Regulations (a) The maximum floor area ratio is 1.5, except that it may be increased by 0.1 for each additional 10% increment of open space or 0.1 with a housing agreement pursuant to the provisions of Section 6.9. Where parking spaces are provided totally beneath habitable space of a principal building or beneath useable common amenity areas providing that in all cases, the parking spaces are screened from view, an amount may be added to the floor area ratio equal to 0.2 multiplied by the ratio of such parking spaces to the total required parking spaces, but in no case shall this amount exceed 0.2. In no case shall the floor area ratio exceed 2.0.</p>	<p>13.12.6 Development Regulations (a) The maximum floor area ratio is 1.5, except that it may be increased by 0.1 for each additional 10% increment of open space above 50% of open space. or 0.1 with a housing agreement pursuant to the provisions of Section 6.9. Where parking spaces are provided totally beneath habitable space of a principal building or beneath useable common amenity areas providing that in all cases, the parking spaces are screened from view, an amount may be added to the floor area ratio equal to 0.2 multiplied by the ratio of such parking spaces to the total required parking spaces, but in no case shall this amount exceed 0.2. In no case shall the floor area ratio exceed 2.0.</p>
17	<p>14. Commercial Zones 14.4 C4 - Urban Centre Commercial/C4rls - Urban Centre Commercial (Retail Liquor Sales) C4lp - Urban Centre Commercial (Liquor Primary) C4lp/rls - Urban Centre Commercial (Liquor Primary/Retail Liquor Sales)</p>	<p>14.4.5 Development Regulations (a) Floor area ratio: 1. For developments having only commercial uses, the maximum floor area ratio is 1.0. 2. For mixed-use developments, the maximum floor area ratio is 1.3, except if one or more of the following bonuses apply, where the total allowable floor area ratio with bonusing must not exceed 2.35: i. Where a housing agreement exists pursuant to the provisions of Section 6.9, a bonus of 0.1 may be added to the floor area ratio;</p>	<p>14.4.5 Development Regulations (a) Floor area ratio: 1. For developments having only commercial uses, the maximum floor area ratio is 1.0. 2. For mixed-use developments, the maximum floor area ratio is 1.3, except if one or more of the following bonuses apply, where the total maximum allowable floor area ratio with bonusing must not exceed 2.35: i. Where a housing agreement exists pursuant to the provisions of Section 6.9, a bonus of 0.1 may be added to the floor area ratio;</p>

Zoning Bylaw No. 8000

No.	Section	Existing Text	Proposed Text
18	14. Commercial Zones C7 - Central Business Commercial	14.7.3 Secondary Uses The secondary uses in this zone are: (a) agriculture, urban (b) amusement arcade, minor (c) care centres, intermediate (d) care centres, minor (e) home based businesses, minor	Remove Care Centre, Intermediate: 14.7.3 Secondary Uses The secondary uses in this zone are: (a) agriculture, urban (b) amusement arcade, minor (c) care centres, intermediate (d) care centres, minor (e) home based businesses, minor
19	18. Comprehensive Development CD1 - Comprehensive Development 1 Bennett Estate	1.3 Secondary Uses The secondary uses in this zone are: (a) care centres, intermediate (b) home based businesses, minor (c) residential security/operator unit	Replace "care centre- Intermediate" with "child care centre, minor" as follows: 1.3 Secondary Uses The secondary uses in this zone are: (a) child care centres, intermediate -minor (b) home based businesses, minor (c) residential security/operator unit
20	18. Comprehensive Development CD2- Kettle Valley CD	1.3 Secondary Uses The secondary uses in this zone are: (a) care centres, intermediate (b) home based business, major (c) home based businesses, minor (d) [deleted]	Replace "care centre- Intermediate" with "child care centre, minor" as follows: 1.3 Secondary Uses The secondary uses in this zone are: (a) child care centres, intermediate -minor (b) home based business, major (c) home based businesses, minor (d) [deleted]
21	18. Comprehensive Development CD10 - Heritage Cultural	1.3 Secondary Uses The secondary uses in this zone are: (a) bed and breakfast homes (b) care centres, intermediate (c) home based business, major (d) home based businesses, minor (e) retail services, general (f) secondary suites	Replace "care centre- Intermediate" with "child care centre, minor" as follows: 1.3 Secondary Uses The secondary uses in this zone are: (a) bed and breakfast homes (b) child care centres, intermediate -minor (c) home based business, major (d) home based businesses, minor (e) retail services, general (f) secondary suites

Dear City Council and Members of the Kettle Valley Community:

December 5, 2012

I am writing in support of the changes being made to the Kettle Valley Community in regards to home business owners; in particular, Care facilities and Home Day Care. Currently there are few options for families in this community for quality, affordable child care. Parents are forced onto waitlists or have to travel great distances in order to find the best possible care for their children.

By opening child care spaces in this community that are in a home like environment, children can receive the care they need and deserve, without spending the travel time. Every child is unique and thrives differently in each environment. The ideal environment for one child may be completely opposite for another. Currently there is only one option for children in this community, which happens to be a much larger group environment. There are no options in this community for a child who thrives in a smaller group setting, such as a home day care.

“The Village of Kettle Valley is an award winning community”. With it being voted the best designed community in Canada, it makes sense to keep in line with the overall goal of this community and welcome home day care centres to care for its children.

With any changes made to zoning and permits there comes challenges, however, I am confident in this communities ability to overcome obstacles and work together to make sure children are receiving the quality care they need throughout the Kettle Valley neighborhood.

Sincerely,

Tracy Robertson

778-477-24438

rickandtracy@shw.ca



Interior Health

January 16, 2013

City of Kelowna – Community Sustainability
c/o Birte Decloux
1435 Water Street
Kelowna, B.C. V1Y 1J4

Dear Ms. Decloux,

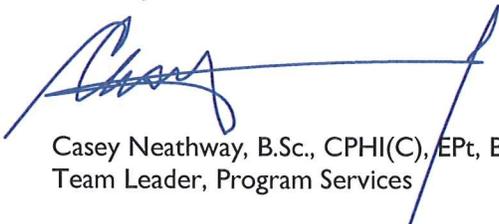
Re. Text Amendment No. TAI2-0012

Thank you for the opportunity to provide comment on the above-referenced text amendment application. As per our meeting on Friday, January 11, 2013, I can indicate the following:

- “Child and Youth Residential” care facilities, as defined in s 2(1) of the *Residential Care Regulation*, provide residential care to children (defined as being under the age of 13), and youths (defined as being 13 to 18 years of age). This may, or may not, correlate with the definition of “children’s custodial homes” per Group B, Division 3 of the BCBC
- The provincial Director of Licensing set out Standards of Practice for Family Child Care, which indicates that “a home-like environment includes, at minimum, a living room, kitchen, bedroom, and a bathroom. It is an expectation that children will have reasonable access to these areas”. The Standards of Practice document has been appended to this letter for your reference. Per s 2(1)(e) of the *Child Care Licensing Regulation*, “Family Child Care” must be provided within the licensee’s personal residence.
- If the Parking Schedule set forth in Table 8.1 is found to “limit the number of persons in care who may be accepted or accommodated at the community care facility”, it would not apply to child care facilities with fewer than 8 in care (i.e. “Care Centre, Minor”), per s 20(2) of the *Community Care and Assisted Living Act*.

If you have any questions, or require clarification, please don’t hesitate to contact me directly.

Sincerely,



Casey Neathway, B.Sc., CPHI(C), EPt, B.I.T.
Team Leader, Program Services

c.c. Bryn Lord, CPHI(C) – Environmental Health Officer, Interior Health
Jaleen Rousseau – Planning Technician, District of West Kelowna

Att.

Bus: (250) 549-5724 **Fax:** (250) 549-6367
Email: casey.neathway@interiorhealth.ca
Web: <http://www.interiorhealth.ca>

HEALTH PROTECTION
Less Risk – Better Health

Vernon Health Unit
1440 14th Avenue
Vernon, B.C. V1B 2T1

**Director of Licensing Standards of Practice
Family Child Care**

Number: 11/07

Effective Date:

July 9, 2008

This Standard of Practice is made under the authority of section 4(1) of the *Community Care and Assisted Living Act (CCALA)*, which provides that the Director of Licensing may:

(e) specify policies and standards of practice for all community care facilities or a class of community care facilities....

1. Family Child Care is the provision of care in a licensee's personal place of residence, with the licensee personally providing care. It includes opportunities for the social, emotional, physical and intellectual growth of children. The importance of a home-like environment and the provision of family centered activities are emphasized.
2. The licensee must meet the requirements of a "responsible adult" as specified in the Child Care Licensing Regulation.
3. A home-like environment includes, at minimum, a living room, kitchen, bedroom, and a bathroom. It is an expectation that children will have reasonable access to these areas.
4. The size of the area that is designated to be used by the children in care should, at a minimum, meet the basic physical space requirements of group child care (*i.e.* 3.7 m^2 per child of usable floor area, 7 m^2 per child of outdoor play area)
5. There must be adequate equipment to safely meet the varying developmental needs of the children receiving care.
6. A licensee's personal residence does not include outbuildings such as a separate mobile home, renovated barn, garage, or other detached physical structure, which may be connected to the principal residence by means of a covered walkway.
7. Family Child Care is not to be located in public buildings such as schools, recreation centers or churches.
8. The maximum number of children to receive care at any given time is seven. For rural and remote areas where no other service is available, and where a greater licensed capacity is required, the operator could apply for a Group Child Care or Multi Age Child Care licence, and concurrently apply for an exemption to staffing requirements. Each application for such an exemption would be considered on its own merits, and must meet the test of no increased risk to health and safety.
9. Multiple service types in a Family Child Care setting are not permitted to run concurrently.

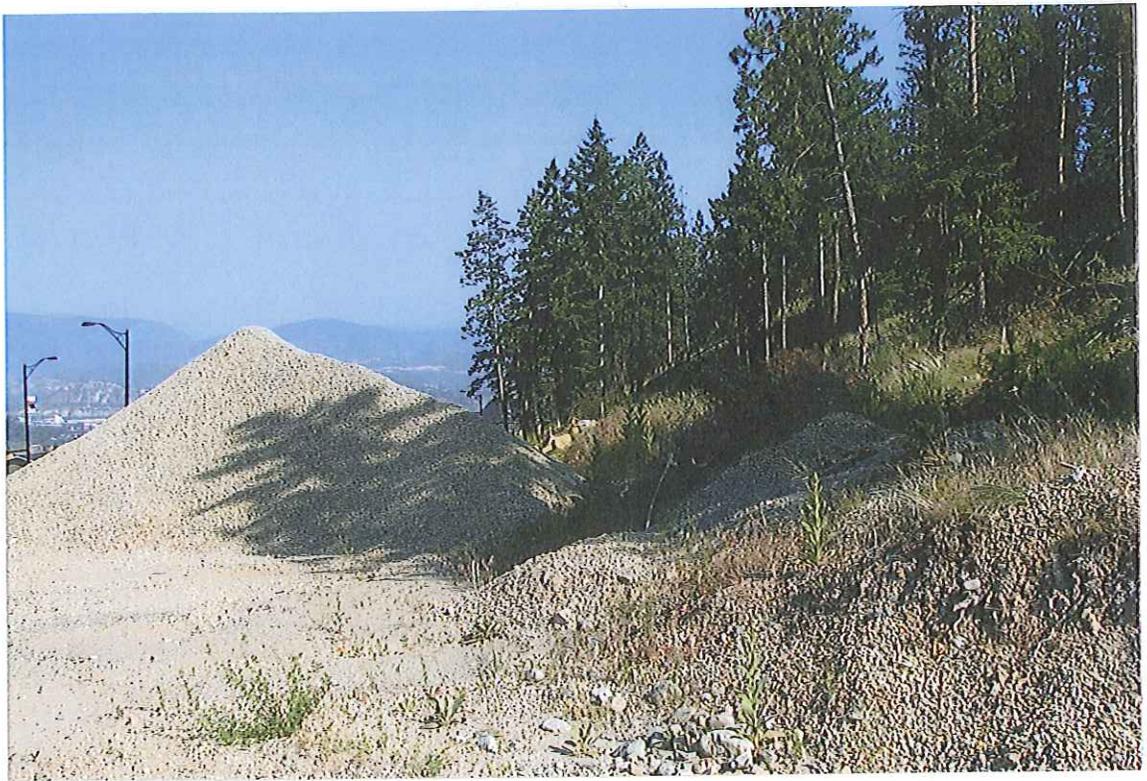
APPLICANT'S SITE PHOTOS



View from lots looking south



View from lots looking south



View from lots looking north



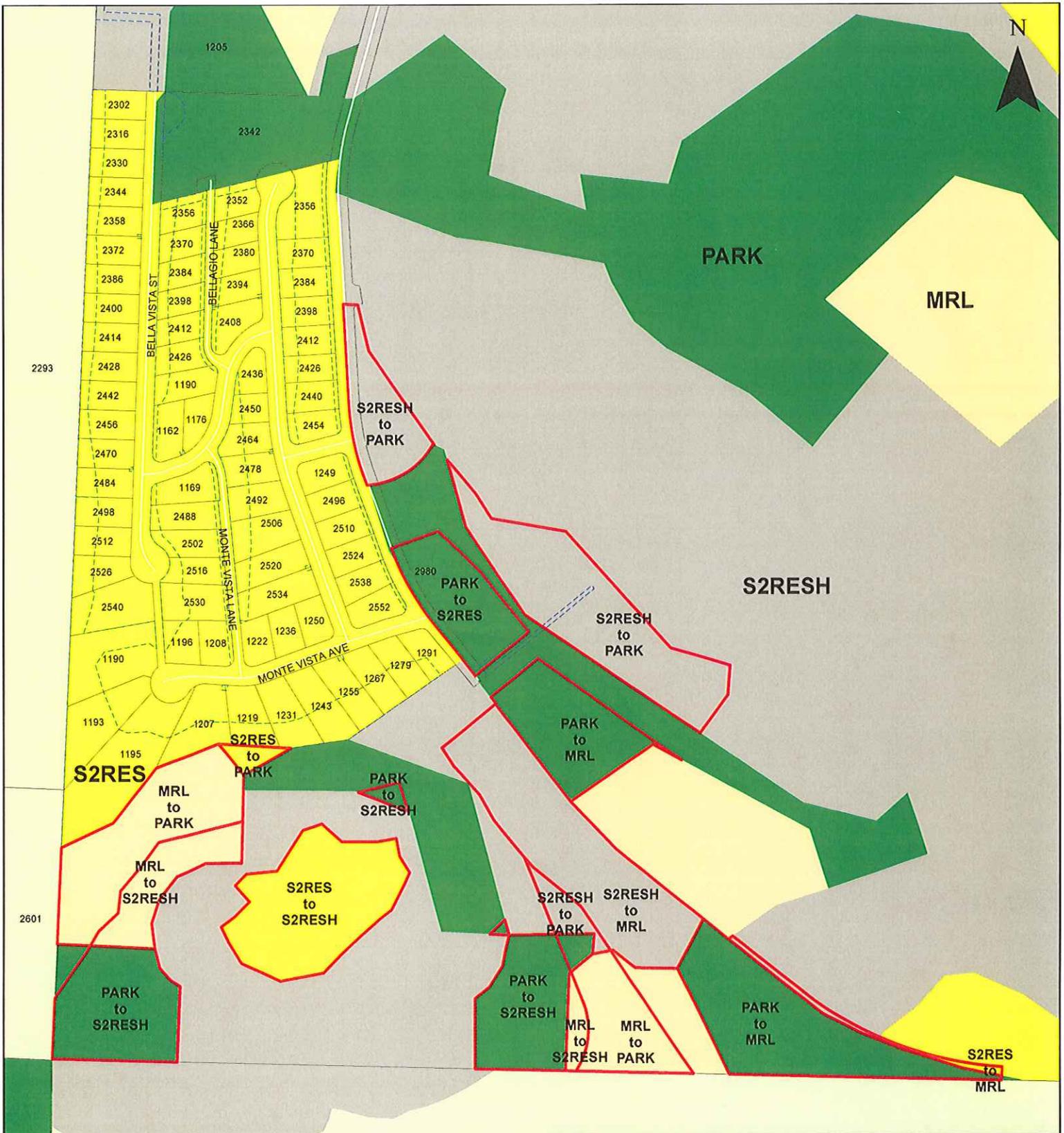
View from lots looking east



View from lots looking east



View from lots looking east



MAP "A" OCP AMENDMENT OCP12-0009

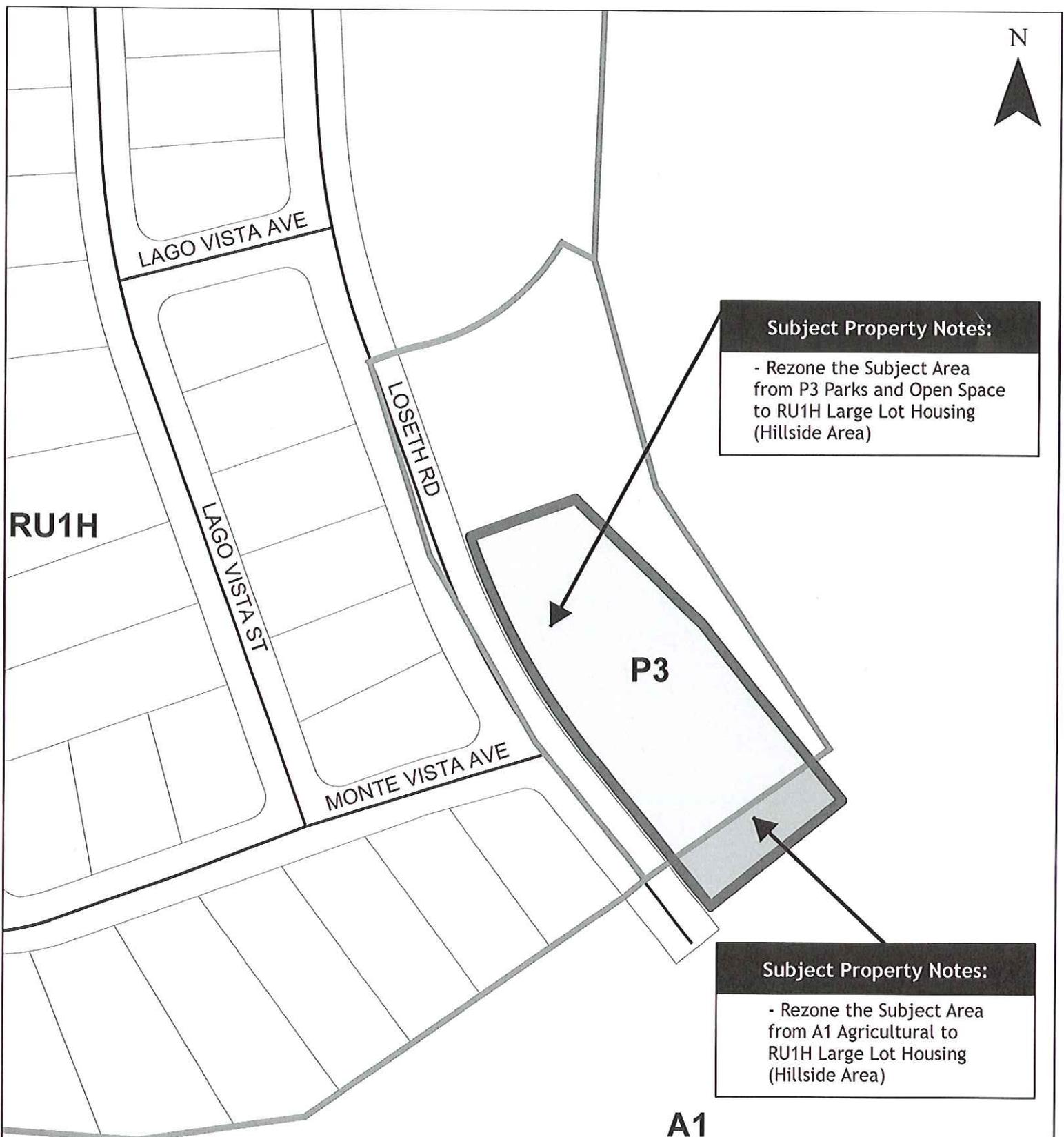
- Multiple Unit Residential (Low Density)- MRL
- Major Park and Open Space - PARK
- Resource Protection - AGR
- Single / Two Unit Residential - S2RES
- Single / Two Unit Residential - Hillside - S2RESH
- OCP Amendments
- Legal Parcel
- Easement

This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

0 20 40
Meters

Rev. Jan. 14/13





Subject Property Notes:

- Rezone the Subject Area from P3 Parks and Open Space to RU1H Large Lot Housing (Hillside Area)

Subject Property Notes:

- Rezone the Subject Area from A1 Agricultural to RU1H Large Lot Housing (Hillside Area)

A1

MAP "B" PROPOSED ZONING
Application #Z12-0055

-  Zoning
-  Legal Parcel
-  A1 to RU1H
-  P3 to RU1H

This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

0 20 40 Meters Rev. Dec. 6/12



REPORT TO COUNCIL



Date: January 23, 2013

RIM No. 1250 - 20/1250 - 30

To: City Manager

From: Land Use Management, Community Sustainability (JM)

Application: OCP12-0009 / Z12-0055 **Owners:** Allan, Donald, Heidi-Sabine, Amy, Angelica & Gordon Kirschner

Address: 2980 Gallagher Road **Applicant:** Kirschner Mountain Estates Ltd. (Allan Kirschner)

Subject: Official Community Plan Amendment & Rezoning Application

Existing OCP Designation: AGR - Resource Protection Area
PARK - Major Park & Open Space (Public)
S2RES - Single / Two Unit Residential
S2RESH - Single / Two Unit Residential (Hillside)
MRL - Multiple Unit Residential (Low Density)

Proposed OCP Designation: AGR - Resource Protection Area
PARK - Major Park & Open Space (Public)
S2RES - Single / Two Unit Residential
S2RESH - Single / Two Unit Residential (Hillside)
MRL - Multiple Unit Residential (Low Density)

Existing Zone: P3 - Parks and Open Space
A1 - Agriculture 1
RU1h - Large Lot Housing (Hillside Area)

Proposed Zone: RU1h - Large Lot Housing (Hillside Area)

1.0 Recommendation

THAT Official Community Plan Bylaw Amendment No. OCP 12-0009 to amend Map 4.1 of the Kelowna 2030 - Official Community Plan Bylaw No. 10500, by changing the Future Land Use designation of portions Lot 1, Sections 12 and 13, Township 26, and Sections 7 and 18, Township 27, ODYD, Plan KAP71697, Except Plans KAP84278, KAP86315, KAP86363, and KAP88598, located on 2980 Gallagher Road, Kelowna, BC from the Multiple Unit Residential (Low Density) designation to the Major Park and Open Space (public) designation, from the Multiple Unit Residential (Low Density) designation to the Single / Two Unit Residential - Hillside designation, from the Single / Two Unit Residential designation to the Major Park and Open Space (public) designation, from the Single / Two Unit Residential designation to the Single / Two Unit

Residential - Hillside designation, from the Single / Two Unit Residential designation to the Multiple Unit Residential (Low Density) designation, from the Single / Two Unit Residential - Hillside designation to the Major Park and Open Space (public) designation, from the Single / Two Unit Residential - Hillside designation to the Multiple Unit Residential (Low Density) designation, Major Park and Open Space (public) designation to the Single / Two Unit Residential - Hillside designation, from the Major Park and Open Space (public) designation to the Multiple Unit Residential (Low Density) designation, from the Major Park and Open Space (public) designation to the Single / Two Unit Residential designation, as shown on Map "A" attached to the Report of Land Use Management Department dated January 23, 2013, be considered by Council;

AND THAT Council considers the neighbour consultation public process to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the Report of the Land Use Management Department dated January 23, 2013;

AND THAT Rezoning Application No. Z12-0055 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot 1, Sections 12 and 13, Township 26, and Sections 7 and 18, Township 27, ODYD, Plan KAP71697, Except Plans KAP84278, KAP86315, KAP86363, and KAP88598, located on 2980 Gallagher Road, Kelowna, BC, from the P3 - Parks and Open Space and A1 - Agriculture 1 zones to the RU1h - Large Lot Housing (Hillside Area) zone as shown on Map "B" attached to the Report of the Land Use Management Department dated January 23, 2013, be considered by Council;

AND THAT the Official Community Plan Bylaw Amendment Bylaw and the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Zone Amending Bylaw be considered in conjunction with Council's consideration of Development Permits for the subject property;

AND FURTHER THAT final adoption of the Zone Amending Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer.

2.0 Purpose

To consider the merits of a proposal to amend the Official Community Plan (OCP) Future Land Use designations for a portion of the Kirschner Mountain development lands, and to rezone a small portion of one of the subject properties.

3.0 Land Use Management

Land Use Management is generally supportive of the proposed rezoning and broader amendment to the Official Community Plan (OCP), as there is a resulting net benefit to the overall park and open space network for the Kirschner Mountain development. Nevertheless, staff have reservations about the initial course of action taken by the applicant, undertaking substantial development works without any permits on lands zoned for public park use.

However, through negotiations with City staff, the applicant will see the legalization of the partially developed residential lots, and the City will benefit from an improved parks and open space network, enhanced wildlife connections, and protection of steep slopes. It should be noted that the changes to the OCP future land use designations has been completed at a gross scale. As development proceeds in the area in the future, more detailed site investigations will likely trigger the need for some changes to these conceptual designations.

4.0 Proposal

4.1 Background

In 2002, the applicant completed an Area Structure Plan (ASP) for the Kirschner Mountain area, which resulted in a long-term plan for a predominantly single family residential community, interspersed with natural open space and recreational trails. While significant residential development has taken place in accordance with the ASP, there remains a large proportion of the plan area that is undeveloped.

In 2010/2011, the applicant proceeded to develop five single family parcels on lands located within the Kirschner Mountain development that are zoned P3 - Parks and Open Space, and A1 - Agriculture 1, and designated PARK - Major Parks and Open Space (public) in the Official Community Plan. This development of designated parkland was undertaken without any permits or authorizations. While not subdivided or built upon, the lots are graded and serviced (see attached photos).

Upon the discovery by the City of this unauthorized work, the applicant began working with City staff to determine a reasonable way to formalize the five residential lots, while demonstrating a benefit to the future park network for the Kirschner Mountain development.

The applicant has visited each occupied residential property within approximately 150m of the subject property to discuss the proposal. Staff have received signatures from all properties within that area which are not owned by the applicant (unsold lots), with the exception of four (4) parcels of a possible 29. The applicant has advised that, despite several attempts, the owners of these four parcels were not available. No objections have been received to date.

4.2 Project Description

There are two significant aspects to this application: the rezoning to formalize the existing residential lots, and the amendment of the OCP future land use designations to demonstrate a benefit to the future park network. Each item will be discussed separately below.

Rezoning

The applicant proposes to rezone a 0.43ha portion of the northernmost subject property, on the east side of Loseth Road, near its intersection with Monte Vista Avenue, from the P3 - Parks and Open Space, and A1 - Agriculture 1 zones, to the RU1h - Large Lot Housing (Hillside Area). The purpose of the zoning is to formalize the residential lots that have already been serviced and graded.

Official Community Plan Amendment

As a result of City action to halt the development of lands zoned and designated for park use, the applicant worked with City staff to arrive at resolution that would demonstrate a net benefit to the future park network of the Kirschner Mountain community. Through this cooperative process, a broader amendment to the OCP future land use designations for the area is proposed, including the following elements:

- Improved linear park/wildlife corridor connections and connections to adjoining regional park lands;
- Consolidation of multi-unit residential sites into one area; and
- Improve protection of steep slopes and natural features.

These OCP changes have been completed using up-to-date topographic and environmental information; however, it should be clearly noted that site-specific, detailed investigations

required as part of future hillside development work will likely trigger the need to adjust OCP boundaries further.

4.3 Site Context

The subject property is the large undeveloped remainder parcel (85ha) left over from the initial phases of development at Kirschner Mountain. The portion of this large lot under consideration is situated in the southwest corner, close to the current end of Loseth Road.

The site is subject to typical hillside conditions, and includes a variety of topography, from natural benches to steep slopes in excess of 45% grade. Given this, the site is subject to Natural Environment, Wildland Fire Hazard and Hazardous Conditions Development Permits.

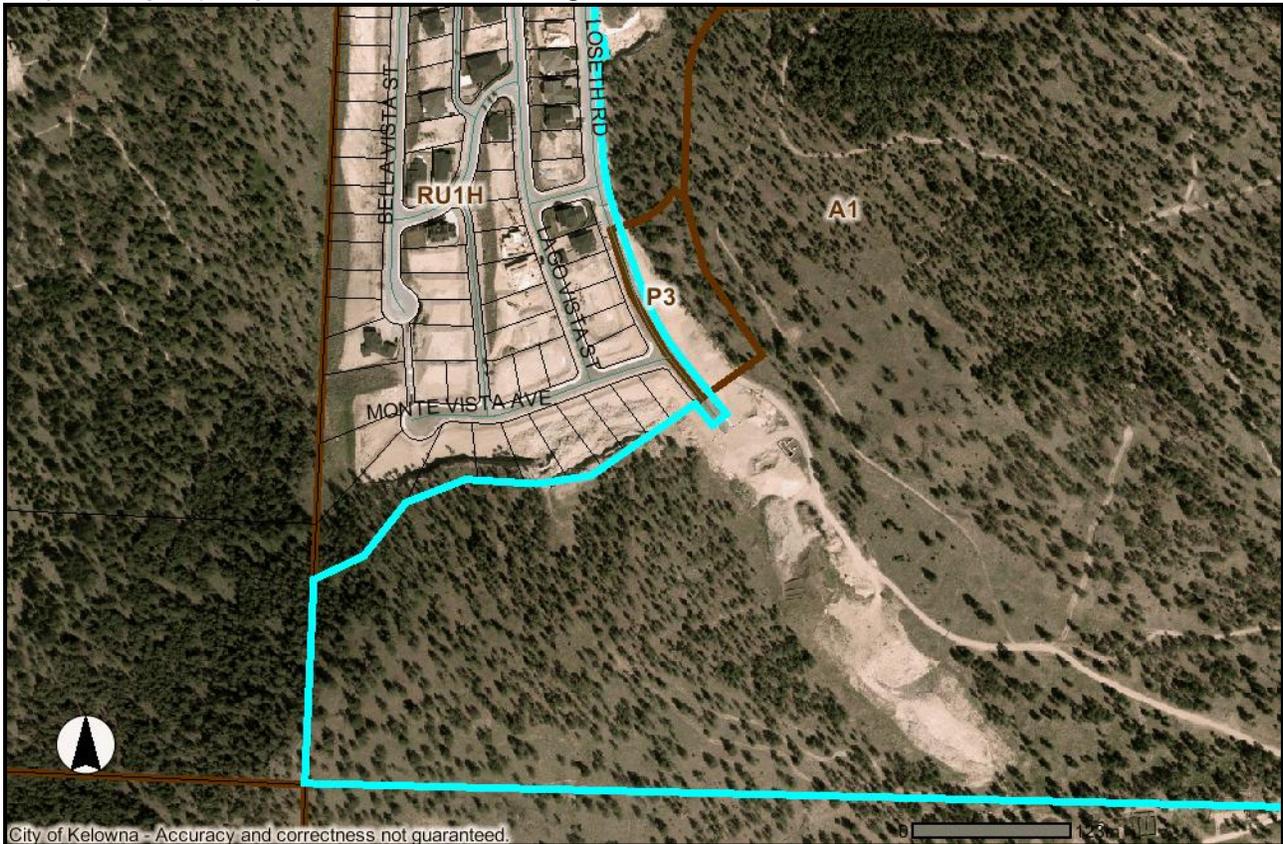
A small, approximately 0.3ha portion of the far southeastern corner of the subject property is located within the Agricultural Land Reserve (ALR); however, since the proposed changes will have no impact on the ALR lands, no additional approvals are required.

Existing land uses in the area include a mix of single family residential development in the Kirschner Mountain community, undeveloped lands, and some agricultural lands. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1h - Large Lot Housing (Hillside Area) P3 - Parks and Open Space	Single family residential development Open space
East	P3 - Parks and Open Space A1 - Agriculture 1	Open space Undeveloped lands
South	A1 - Agriculture 1	Undeveloped lands/low intensity agriculture
West	RU1h - Large Lot Housing (Hillside Area)	Single family residential development

The portion of the subject property under consideration contains a variety of OCP designations, including: Single / Two Unit Residential, Single / Two Unit Residential (hillside), Multiple Unit Residential (low density), and Major Park and Open Space (public).

Subject Property Map: Portion of 2980 Gallagher Road



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1h ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550 m ²	806 - 944 m ²
Lot Width	16.5 m	20.0 - 27.1 m
Lot Depth	30.0 m	37.8 - 43.0 m
Development Regulations		
Height	9.5 m or 2 ½ storeys	TBD
Front Yard	6.0 m	TBD
Side Yard (south)	2.0 m for 1 ½ storeys 2.3 m for 2 storeys or greater	TBD
Side Yard (north)	2.0 m for 1 ½ storeys 2.3 m for 2 storeys or greater	TBD
Rear Yard	7.5 m	TBD
Other Regulations		
Minimum Parking Requirements	2 stalls	TBD

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Permanent Growth Boundary.¹ Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. Support development of property outside the Permanent Growth Boundary for more intensive uses only to the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of OCP Bylaw 10500, except as per Council's specific amendment of this policy. Resource Protection Area designated properties not in the ALR and outside the Permanent Growth Boundary will not be supported for subdivision below parcel sizes of 4.0 ha (10 acres). The Permanent Growth Boundary may be reviewed as part of the next major OCP update.

Compact Urban Form.² Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Environmentally Sensitive Area Linkages.³ Ensure that development activity does not compromise the ecological function of environmentally sensitive areas and maintains the integrity of plant and wildlife corridors.

Steep Slopes.⁴ Prohibit development on steep slopes (+30% or greater for a minimum distance of 10 metres) except where provided for in ASPs adopted or subdivisions approved prior to adoption of OCP Bylaw 10500.

Hydro-Geologically Sensitive Areas.⁵ Require an assessment of potential ground and surface water seepage as part of any subdivision on hillside lands in excess of 20% slope. Require reduced or no irrigation water use in areas where limited or no infiltration capacity exists based on hydro-geological assessments of sensitive areas.

5.2 Kirschner Mountain Area Structure Plan (ASP)

Parks and Open Space⁶

Active and passive open space, with significant inter-connected pedestrian access, will help create an integrated and cohesive community;

6.0 Technical Comments

6.1 Subdivision Branch

Driveway slopes, retaining walls, lot drainage and storm water management will all be addressed at subdivision stage.

6.2 Development Engineering Department

No off-site requirements.

¹ City of Kelowna Official Community Plan, Policy 5.3.1 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Policy 5.15.3 (Development Process Chapter).

⁴ City of Kelowna Official Community Plan, Policy 5.15.12 (Development Process Chapter).

⁵ City of Kelowna Official Community Plan, Policy 5.36.1 (Development Process Chapter).

⁶ Stantec Consulting (March, 2001). Kirschner Mountain Area Structure Plan, Policy 4.3(c).

6.3 Fire Department

No comments.

6.4 Public Health Inspector

Wastewater Disposal:

We have no comments on wastewater disposal based on the referenced property having connection to the City of Kelowna municipal sewer system.

Drinking Water:

Please note that the community water system (BMID) indicated for connection to this proposed development does not meet the Provincial Drinking Water Objectives and has not provided an approved long-term plan to meet these objectives. We recommend that approvals should be contingent upon the completion of necessary treatment upgrades or where there is evidence that an approved plan is under implementation to meet the required treatment objectives. The transfer of property to prospective purchasers should also be contingent upon the sharing of information on the current status of this system [*see response from BMID below also note that this issue will be addressed as part of the Subdivision Approval process*].

6.5 Black Mountain Irrigation District (BMID)

BMID has no issues related to the proposed rezoning and OCP amendments. We understand that this may be going to council in the near future.

At time of subdivision, normal BMID fees and capital charges will apply as per BMID bylaws as will subdivision servicing requirements as per City Subdivision Servicing bylaw. Service capacity exists in the distribution system and pump station to service the 5 lots.

The applicant is fully aware of the water requirements and the application / approval process through BMID.

Currently BMID does not meet the Provincial Drinking water objective. We have provided IH with written documentation of the attached letter of how we are going to achieve the objective. The letter was written in Dec. of 2011. In order to meet the Provincial Objective, we must construct an Ultraviolet disinfection facility, which is planned at the base of the future dam site on the east slope. A future water filtration plant site is also being planned at this same location. The proposed site is one of four major domestic water supply sources set out for Kelowna for the long term, in conformance with the 2012 Kelowna Integrated Water Supply Plan.

6.6 FortisBC - Gas

No concerns.

6.7 FortisBC - Electric

No concerns.

6.8 Telus Communications

No concerns.

6.9 Shaw Cable

Owner/developer to install underground conduit system.

7.0 Application Chronology

Date of Application Received: July 17, 2012

Final agreement on OCP amendment: January 18, 2013

Report prepared by:

James Moore, Land Use Planner

Reviewed by: Todd Cashin, Manager, Environment & Land Use

Approved for Inclusion: Doug Gilchrist, Acting GM of Community Sustainability

Attachments:

- Subject Property Map (1 page)
- Applicant's Site Plan (1 page)
- Applicant's Site Photos (3 pages)
- Schedule "A" - OCP Amendment Map (1 page)
- Schedule "B" - Rezoning Map (1 page)

REPORT TO COUNCIL



Date: February 8th, 2013
RIM No. 1250-30
To: City Manager
From: Land Use Management, Community Sustainability (AW)
Application: Z12-0068 / TA13-0002 **Owner:** Evergreen Lands Limited, Inc. No. 382754
Address: 1121, 1131, 1141 & 1151 Brookside Ave. **Applicant:** Meiklejohn Architects Inc.
Subject: Rezoning Application

Existing OCP Designation: Multiple Unit Residential - Low Density
Existing Zone: RU6 - Two Dwelling Housing
Proposed Zone: RM3 - Low Density Multiple Housing

1.0 Recommendation

That Rezoning Application No. Z12-0068 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 9 Section 19 Township 26 ODYD Plan 2704, located at 1121 Brookside Avenue, Lot 10 Section 19 Township 26 ODYD Plan 2704, located at 1131 Brookside Avenue, Lot 11 Section 19 Township 26 ODYD Plan 2704, located at 1141 Brookside Avenue, Lot 12 Section 19 Township 26 ODYD Plan 2704, located at 1151 Brookside Avenue, Kelowna, BC, from the RU6 - Two Dwelling Housing zone to the RM3 - Low Density Multiple Housing zone be considered by Council;

AND THAT Zoning Bylaw Text Amendment No. TA13-0002 to amend the RM3 zone in City of Kelowna Zoning Bylaw No. 8000 to increase the base density to an FAR of 0.75, reduce the under building / covered parking bonus to 0.05 FAR and adding a 0.1 FAR bonus for projects located within Urban Centres as defined by Map 5.3 in the 2030 OCP as outlined in Schedule "A" of the report of the Land Use Management Department dated February 8th, 2013 be considered by Council;

AND THAT the Text Amendment bylaw and the Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT Bylaw No. 10800 authorizing a Housing Agreement between the City of Kelowna and Evergreen Lands Limited, Inc. No. 382754, which requires the owner to provide 68 purpose built rental units for a period of ten years on Lot 9 Section 19 Township 26 ODYD Plan 2704, located at 1121 Brookside Avenue, Lot 10 Section 19 Township 26 ODYD Plan 2704, located at 1131 Brookside Avenue, Lot 11 Section 19 Township 26 ODYD Plan 2704, located at 1141 Brookside

Avenue, Lot 12 Section 19 Township 26 ODYD Plan 2704, located at 1151 Brookside Avenue, Kelowna, BC, be forwarded for reading consideration;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the execution of the Housing Agreement;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction;

AND THAT final adoption of the Zone Amending Bylaw be considered subsequent to the submission of a plan of subdivision to consolidate the properties into one title.

AND FURTHER THAT final adoption of Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit on the subject property.

2.0 Purpose

To consider rezoning the subject properties from the RU6 - Two Dwelling Housing Zone to the RM3 - Low Density Multiple Housing Zone to accommodate the proposed 68 unit purpose built rental townhouse development. To consider a Text Amendment to the RM3 zone to increase the base density to 0.75 and to provide an additional 0.1 density bonus for projects located within Urban Centres.

3.0 Land Use Management

Land Use Management staff are supportive of the proposal, as it is seen to meet the objectives and supporting policies of the Official Community Plan (OCP). The RM3 - Low Density Multiple Housing zone is the appropriate zone and facilitates a form of housing needed within this Urban Centre location. The subject property is located within the Capri / Landmark Urban Centre, along the Gordon Drive bus route and within walking distance to A.S. Mathison Elementary School and the Capri Centre Mall. The applicant will secure all 68 units as purposed built rental housing for a period of 10 years. Ideally, the two properties to the west fronting Gordon Drive would have been incorporated into the proposed development, but the applicant was unable to secure them. In the future, these properties will have to be redeveloped together in order to achieve the anticipated development potential.

As part of the development proposal Staff have worked on a Text Amendment that would increase the base density for the RM3 zone to 0.75 and allow an FAR bonus of 0.1 for any project located within an Urban Centre as defined by the 2030 OCP. Increasing the base density should allow more projects to move forward and the extra bonus for projects located within Urban Centres encourages more development in these areas. Staff are currently working on a broader Text Amendment that will update all of the multiple unit residential zones to provide a set of regulations allowing a more urban and current form of development, especially within the designated Urban Centres. These amendments will be forwarded to Council within the next few months. In the meantime, this project has presented an opportunity to test a new base FAR with an Urban Centre bonus which will support this centrally located rental townhouse project. The proposed development will provide a unique development that will introduce a new form of housing into the Capri / Landmark Urban Centre.

The proposed variances are required in order to enable the developer to proceed with this form of project. While the parking variance is a concern the property is located within the Capri /

Landmark Urban Centre has great transit access and is within walking distance to various amenities. The applicant has other projects with similar parking break downs and has provided a rationale, attached at the end of this report, for how parking will be managed. A Development & Development Variance Permit will be forwarded to Council at a later date.

4.0 Proposal

4.1 Project Description

The proposed development consists of a total of 68 dwelling units divided between 4 buildings; 34 - 1 bedroom units and 34 - 2 bedroom units. Principal vehicular access for the units is via a driveway from Brookside Avenue. Parking for the development is located at the centre of the property with 46 of the stalls provided within carports. The applicant has proposed a parking variance which would provide each unit with 1 parking stall and a total of 10 visitor parking stalls. As this property is located within an Urban Centre, \$7,500.00 per stall as cash-in-lieu would be the appropriate mechanism to overcome this shortfall. However, as this is a purpose built housing project the applicant has asked that the parking be varied in accordance with the recently adopted Housing Strategy. Section 15 of the Housing Strategy suggests that parking should be reduced for multi family housing projects located within the Urban Core.

Long term bicycle parking is provided within individual storage units, and short term bicycle parking is provided near the centre of the site adjacent to the visitor vehicle parking. Pedestrian circulation is provided between buildings and through the property and a sidewalk will be provided along Brookside Avenue. The Brookside Avenue frontage provides a strong pedestrian orientation, with main building entrances and patios. Such design elements serve to activate these building frontages with heightened levels of pedestrian activity. The buildings are representative of a more contemporary aesthetic, having flat roofs and clean building lines.

The proposal compares to Zoning Bylaw No. 8000 as follows:

Zoning Analysis Table		
CRITERIA	RM3 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Floor Area Ratio	0.573 (0.85 with Text Amend)	0.672
Site Coverage - Buildings	40%	37.6%
Site Coverage - Buildings & Drive	50%	59.5% ¹
Height	9.5m / 2.5 storeys	8.4m / 2.5 storeys
Front Yard	4.5m	4.5m
Side Yard (east)	4.5m	4.5m
Side Yard (west)	4.5m	5.2m
Rear Yard	7.5m	7.5m
Building Separation	3.0m	2.43m ²
Other Regulations		
Minimum Parking Requirements	94 stalls	78 stalls ³
Bicycle Parking	Class I: 34 stalls Class II: 7 stalls	Class I: 48 stalls Class II: 8 stalls
Private Open Space	1360m ²	2570m ²
¹ To vary site coverage from 50% permitted to 59.5% proposed. ² To vary building separation from 3.0m to 2.43m ³ To vary parking from 94 stalls required to 78 stalls proposed.		

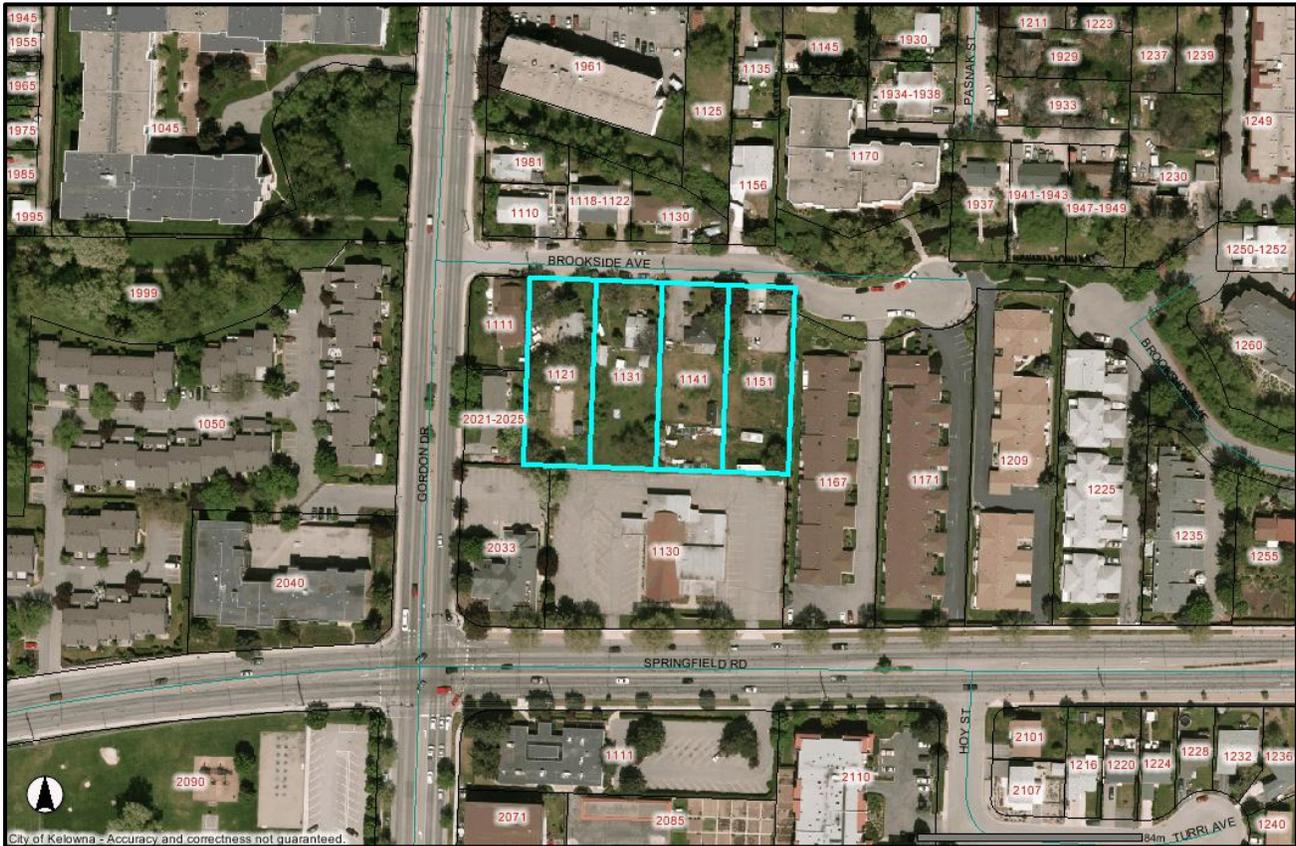
4.2 Site Context

The subject properties are located within the Capri / Landmark Urban Centre in an area designated for a townhouse form of development.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing	Single Family Residential
East	RM3 - Low Density Multiple Housing	Townhouse Development
South	P2 - Educational & Minor Institutional	Church
West	RU6 - Two Dwelling Housing	Single Family Residential

Subject Property Map: 1121, 1131, 1141 & 1151 Brookside Ave.



5.0 Current Development Policies

5.1 Housing Strategy

Section 15. Less Parking Required: Reduce minimum parking requirements in the Zoning By-law for new multi unit housing in the Urban Core.

Rationale:

This is a way to encourage or reward housing that conforms to OCP policy and make housing more financially viable. It also aligns with supporting transit and reducing vehicle use. Parking spaces are expensive to provide, ranging from about \$10,000 / surface parking space to \$30,000 + / space for under-building parking.

5.2 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Ground-Oriented Housing.² Encourage all multi-unit residential buildings in neighbourhoods with schools and parks to contain ground-oriented units with 2 or more bedrooms to provide a family housing choice within multi-unit rental or ownership markets. High density residential projects in the Downtown area are encouraged to include a ground-oriented housing component, especially where such can be provided on non-arterial and non-collector streets.'

6.0 Technical Comments

6.1 Building & Permitting Department

- 1) Demolition Permits required for any structures prior to them being taken down.
- 2) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s) for new construction
- 3) This property falls within the Mill Creek flood plain bylaw area and compliance is required. Minimum building elevations are required to be established prior to the release of the Development Permit. This building may be designed to low, which may affect the form and character of the building.
- 4) Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building.
 - a. The area above the covered parking with welded wire mesh guards would be defined as climbable. These guards for the A2 assembly would be required to meet the minimum requirements for guards as defined in BCBC
 - b. There does not seem to be good fire fighting access for the two internal buildings mainly (upper type B units). How would these units be addressed and has the fire department commented on required access routes as per BCBC?
- 5) Full Plan check for Building Code related issues will be done at time of Building Permit applications

6.2 Development Engineering Department

See Attached Memo.

6.3 Bylaw Services - No concerns

6.4 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw #7900. The Subdivision Bylaw requires a minimum of 150ltr/sec flow. Confirm 6m emergency access. A fire department turn-a-round is required in an access exceeding 100m. On site fire hydrants will be required.

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.23.1 (Development Process Chapter).

6.5 Interior Health Authority

This development proposal appears to be adjacent to the Capri/Landmark Urban Centre which aims to create a pedestrian friendly environment where mixed-use, commercial, and parks and opens spaces are encouraged. These concepts align with Interior Health's goal to create environments where the healthy choice is the easy choice to enhance physical, mental and social health.

6.6 School District No. 23 - N/A

7.0 Application Chronology

Date of Application Received: November 27th, 2013

Report prepared by:

Alec Warrender, Land Use Planner

Reviewed by:

Danielle Noble, Manager, Urban Land Use

Approved for Inclusion:

Doug Gilchrist, A. General Manager, Community Sustainability

Attachments:

Site Plan

Conceptual Elevations

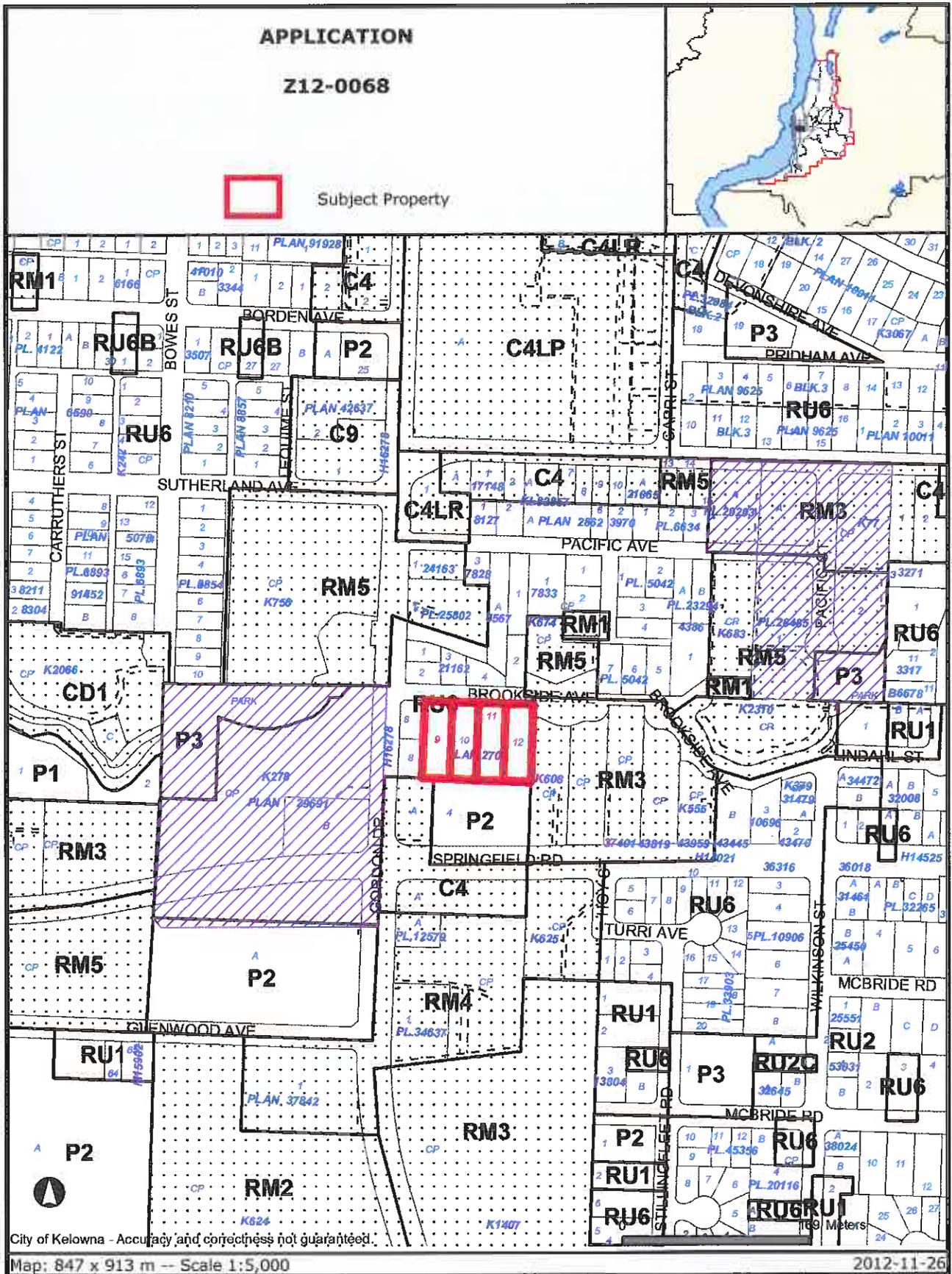
Landscape Plan

Affordable Housing Agreement

SCHEDULE 'A'
TA13-0002

Zoning Bylaw No. 8000

No.	Section	Existing Text	Proposed Text
1	13.9.6 - Development Regulations	The maximum floor area ratio is 0.5, except it is 0.55 with a housing agreement pursuant to the provisions of Section 6.9. Where parking spaces are provided totally beneath habitable space of a principal building or beneath useable common amenity areas providing that in all cases, the parking spaces are screened from view, an amount may be added to the floor area ratio equal to 0.2 multiplied by the ratio of such parking spaces to the total required parking spaces , but in no case shall this amount exceed 0.2.	The maximum floor area ratio is 0.75 Where at least 75% parking spaces are provided totally beneath habitable space of a principal building , beneath useable common amenity areas, or in a garage/carport providing that in all cases, the parking spaces are screened from public view, the floor area ratio may be increase to 0.05. The floor area ratio may be increased by a further 0.1 for a development constructed in an Urban Centre (as defined by Kelowna's Official Community Plan).



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



February 5, 2013

City of Kelowna
1435 Water Street
Kelowna, BC V1Y 1J4

Attention: Alec Warrender, Land Use Planner, RPP, MCIP
Land Use Management Department

Re: Rezoning Application Z12-0068
1121 - 1151 Brookside Avenue

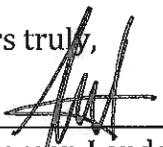
Dear Mr. Warrender:

Further to the abovecaptioned rezoning application, please find below the parking variance rational as discussed.

Parking Variance Rational for DVP 12-0212, 1121-1151 Brookside Avenue

- 1) This proposal is not asking for a variance from 108 required stalls to 78 provided stalls as indicated in Engineering's memo dated December 19, 2012. This was a miscalculation. It is only asking for a variance from 86 required stalls to 78 provided stalls (as per MAI's "revised" plan with 36 two bedroom and 32 one bedroom units) – i.e. only 8 parking stalls less than required in the current zoning bylaw.
- 2) Additional parking from what is provided in this development permit application is not needed based on our current "real" market experience with a new 79 unit rental apartment, Center Point, at 1370 Ridgeway Drive in Kelowna. All that is necessary, on average, is one stall per one bedroom or two bedroom unit, plus roughly 10% more as guest parking – which is what has been provided. Further, Centre Point is roughly a 1:2 ratio of one bedroom to two bedroom homes. This development on Brookside is roughly a 1:1 ratio of one bedroom to two bedroom homes – requiring even less parking.
- 3) This development will upgrade the entire three hundred and twenty five(325) foot frontage along Brookside Avenue to an SS-R4 urban standard including boulevard, sidewalk, curb and gutter. The result will provide new parallel parking along almost all of this frontage, or approximately an additional 14-15 parallel parking stalls.
- 4) This development is located well within the area the City defines as the "Urban Centre" which, amongst other things, means it is well located to take advantage of public transit, urban cycling routes and overall walkability – for a true live, work and play lifestyle - and reducing the need for additional vehicles.
- 5) It is widely acknowledged today that it is poor planning to waste valuable residential living space within the Urban Centre to build unnecessary parking. The days of "acres of parking", at least within the Urban Centre, are gone.
- 6) This development is a relatively low density both within the context of the Urban Centre and within the context of its immediate surroundings. At a Floor Area Ratio(FAR) of almost half that of urban apartment style buildings, and with apartments less than 100m away from this property, this development is relatively low density – including its demand for parking.
- 7) Only a block to the north of this development is the Capri Centre which is currently zoned C4 which requires only one parking stall per residential unit regardless of size - i.e. regardless of whether it's a one bedroom or a ten bedroom suite.
- 8) The City of Kelowna's very own "Kelowna Housing Strategy", which was first introduced to Council on November 2, 2011 and then more formally documented in March of 2012 (attached), recommends to "Reduce minimum parking requirements in the zoning bylaw for new multi-unit housing in the Urban Core". This document, and it's recommendations, played a very important role in the conception of this development. Simply stated, the City introduced their Housing Strategy and we responded to it.

Yours truly,


Evergreen Lands Ltd
Per: Ken Webster

P 250.763.6600
F 250.763.6614

www.evergreenlands.com

102- 1370 Ridgeway Drive
Kelowna, BC V1Y 9V3

CITY OF KELOWNA
MEMORANDUM

Date: February 7, 2013
File No.: Z12-0068

To: Land Use Management Department (AW)

From: Development Engineering Manager

Subject: 1121 -1151 Brookside Ave
RM3

REVISÉ

RU6 to

The Development Engineering Department has the following comments and requirements associated with this rezoning application. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

The Development Engineering Technologist for this project is Sergio Sartori

1. Domestic Water and Fire Protection

- a) The subject properties are currently serviced with 13/19mm-diameter water services. The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the disconnection of existing services and the installation of a new service.
- b) The area has two hydrants 190m apart which exceeds the Bylaw for multi-family developments. Also the nearest hydrant is color coded green which indicates a maximum of 95 l/s capacity. A second hydrant will be required at the East end of the proposed development and the existing 150mm. A.C. main between the hydrants should be replaced with a 200mm. PVC While replacing the watermain, the 13mm. services to the properties on the North side should be upgraded at the City's cost.

2. Sanitary Sewer

The developer's consulting mechanical engineer will determine the development requirements of this proposed development and establish the service needs. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the removal and disconnection of the existing services and the installation of one new larger service. A new service (150 mm) will be required to service the proposed development and should be tied into the existing manhole, as per Bylaw 7900. The existing manhole cover and lid must be upgraded to current standards.

3. Storm Drainage

- a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plan, minimum basement elevation

(MBE), if applicable, and provision of a storm drainage service for the development and / or recommendations for onsite drainage containment and disposal systems.

- b) The existing storm main in Brookside Ave must be extended along the full frontage of the property and connected to the existing drywell located at the east edge of the proposed development. The existing catch basin must be relocated (if salvageable) to the end of the curb. The Drywell cover and lid must be upgraded to current standards.

4. **Transportation**

- a) The proposed development triggers the requirement for a limited scope Traffic Impact Study. Recommendations from the Traffic Impact Assessment (TIA) will become requirements of this application.
- b) Prior to commencing the TIA, the developer's traffic consultant should meet with staff from the City of Kelowna to agree on the terms of reference for the study.

5. **Road Improvements**

- (a) Brookside Road must be upgraded to an urban standard (SS-R4) along the full frontage of this proposed development, including curb and gutter, monolithic sidewalk, drainage system including catch basins, manholes and pavement removal and replacement, street lighting and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction.

6. **Road Dedication and Subdivision Requirements**

- (a) On Brookside Ave provide additional dedication (to be determined) for roadway allowance at the east end of the development to accommodate a smooth transition to the existing urbanized roadway.
- (b) Lot consolidation.

7. **Electric Power and Telecommunication Services**

- a) All proposed distribution and service connections are to be installed underground. Existing distribution and service connections, on that portion of a road immediately adjacent to the site, are to be relocated and installed underground as the subject properties are within the "Capri Landmark Urban Center".
- b) Streetlights must be installed on Brookside Ave.
- c) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.
- d) Re-locate existing poles and utilities, where necessary. Remove aerial trespass (es).

7. **Design and Construction**

- (a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.

- (b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- (c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- (d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- (e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Development Engineering Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

8. Servicing Agreements for Works and Services

- (a) A Servicing Agreement is required for all offsite works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- (b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

9. Other Engineering Comments

- (a) Provide all necessary Statutory Rights-of-Way for any utility corridors as required.
- (b) If any road dedication affects lands encumbered by a Utility right-of-way (such as Terasen, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication must be incorporated in the construction drawings submitted to the City's Development Manager.

10. Geotechnical Report

- a) Provide a comprehensive geotechnical report prepared by a Professional Engineer competent in the field of hydro-geotechnical engineering to address the items below: **NOTE: The City is relying on the Geotechnical Engineer's report to prevent any damage to property and/or injury to persons from occurring as a result of problems with soil slippage or soil instability related to this proposed development.**
 - Overall site suitability for development.
 - Presence of ground water and/or springs.
 - Presence of fill areas.
 - Presence of swelling clays.
 - Presence of sulphates.
 - Potential site erosion.
 - Provide specific requirements for footings and foundation construction.
 - Provide specific construction design sections for roads and utilities over and above the City's current construction standards

11. Development Permit and Site Related Issues

- (a) The development will be required to contain and dispose of site generated storm water on the site by installing an oil separator and ground recharge system consisting of drywells and perforated pipe bedded in drain rock.
- (b) The request to vary the parking requirements from 86 stalls required to the 78 stalls proposed is supported by Development Engineering based on the "Parking Variance Rational" document provided by the applicant. It should be noted that the added parking as part of the road upgrade is not to be considered as part of the parking provided by the development. The variance is further supported based on the development/tenant lease agreements that each unit is only provided with one stall.
- (c) Access and Manoeuvrability
 - (i) An SU-9 standard size vehicle must be able to manoeuvre onto and off the site without requiring a reverse movement onto public roadways. If the development plan intends to accommodate larger vehicles movements should also be illustrated on the site plan.
 - (ii) Perimeter access must comply with the BC Building Code. Fire Truck access designs and proposed hydrant locations will be reviewed by the Fire Protection Officer.



Steve Muenz, P. Eng.
Development Engineering Manager

ss

PURPOSE-BUILT RENTAL HOUSING AGREEMENT

THIS AGREEMENT dated for reference February____, 2013 affects:

LEGAL DESCRIPTION OF PROPERTY SUBJECT TO THE AGREEMENT:

Lot 9 Section 19 Township 26 ODYD Plan 2704
Lot 10 Section 19 Township 26 ODYD Plan 2704
Lot 11 Section 19 Township 26 ODYD Plan 2704
Lot 12 Section 19 Township 26 ODYD Plan 2704

("Land")

And is

BETWEEN:

Evergreen Lands Ltd., a body corporate and having its office at 102 – 1370 Ridgeway Drive, Kelowna, B.C. V1Y 9V3

("Owner")

AND:

CITY OF KELOWNA, a local government incorporated pursuant to the *Community Charter* and having its offices at 1435 Water Street, Kelowna, B.C. V1Y 1J4

("City")

GIVEN THAT:

- A. The Owner has applied to the City for rezoning of the Lands to permit the construction of a housing complex that will include purpose-built rental housing units, as defined in this Agreement, on certain lands more particularly described in this Agreement;
- B. The City may, pursuant to section 905(1) of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure, and availability of the housing units on the land or construction on land;
- C. The Owner and the City wish to enter into this Agreement to provide for purpose- built rental housing on the terms and conditions set out in this Agreement, and agree that this Agreement is a housing agreement under s. 905 of the *Local Government Act*; and
- D. The City has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement;

This Agreement is evidence that in consideration of \$1.00 paid by the City to the Owner (the receipt of which is acknowledged by the Owner) and in consideration of the promises exchanged below, the City and Owner agree, as a housing agreement between the Owner and the City under s. 905(1) of the *Local Government Act*, as follows:

ARTICLE 1 INTERPRETATION

1.1 Definitions -

"Caregiver" means an individual who provides assistance with the performance of the personal functions and activities necessary for daily living that a person is unable to perform efficiently for himself or herself;

"City" means the City of Kelowna;

"Dwelling Unit" means accommodation providing sleeping rooms, washrooms, and no more than one kitchen, intended for domestic use, and used or intended to be used permanently or semi permanently for a Household. This use does not include a room in a hotel or a motel.

"Household" means

- (a) a person;
- (b) two or more persons related by blood, marriage, or adoption; or associated through foster care, all living together in one dwelling unit as a single household using common cooking facilities;
- (c) a group of not more than five persons, including boarders, who are not related by blood, marriage, or adoption, or associated through foster care, all living together in one dwelling unit as a single household using common cooking facilities; or
- (d) a combination of (b) and (c), provided that the combined total does not include more than 3 persons unrelated by blood, marriage or adoption or associated through foster care; all living together in one dwelling unit as a single household using common cooking facilities.

In addition, a household may also include up to one Caregiver or nanny;

"Land" means the land described herein;

"LTO" means the Kamloops Land Title Office or its successor;

"Official Community Plan" means the City of Kelowna Official Community Plan Bylaw No. 7600, or its successor bylaw;

"Owner" means the registered owner of the Lands from time to time and any parcels into which the Lands are subdivided;

"Purpose-Built Rental Housing" means a self-contained building(s) containing three or more Dwelling Units that are intended to be used for rental housing and does not include buildings that are stratified; and

"Tenancy Agreement" means a tenancy agreement as defined in, and subject to, the *Residential Tenancy Act*.



1.2 Interpretation - In this Agreement:

- (a) reference to the singular includes a reference to the plural, and vice versa, unless the context requires otherwise;
- (b) article and section headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;
- (c) reference to a particular numbered section or article, or to a particular lettered Schedule, is a reference to the correspondingly numbered or lettered article, section or Schedule of this Agreement;
- (d) if a word or expression is defined in this Agreement, other parts of speech and grammatical forms of the same word or expression have corresponding meanings;
- (e) the word "enactment" has the meaning given in the *Interpretation Act* on the reference date of this Agreement;
- (f) reference to any enactment includes any regulations, orders or directives made under the authority of that enactment;
- (g) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided;
- (h) the provisions of s. 25 of the *Interpretation Act* with respect to the calculation of time apply;
- (i) time is of the essence;
- (j) all provisions are to be interpreted as always speaking;
- (k) reference to a "party" is a reference to a party to this Agreement and to their respective successors, assigns, trustees, administrators and receivers;
- (l) reference to a "day", "month", "quarter" or "year" is a reference to a calendar day, calendar month, calendar quarter or calendar year, as the case may be, unless otherwise expressly provided;
- (m) the definitions given in the City of Kelowna Zoning Bylaw No. 8000, or its successor bylaw, and the Official Community Plan apply for the purposes of this Agreement; and
- (n) any act, decision, determination, consideration, consent or exercise of discretion by a party, or other person, as provided in this Agreement must be performed, made or exercised acting reasonably.

1.3 Purpose of Agreement - The Owner and the City agree that:

- (a) this Agreement is intended to serve the public interest by providing for occupancy of a certain number of Dwelling Units, of the kinds provided for in this Agreement, that are in demand in the City of Kelowna but that are not readily available;

- (b) performance of this Agreement by the Owner is a condition, as contemplated by s. 904 of the *Local Government Act*, of the Owner becoming entitled to certain density bonuses respecting development of the Land, which density bonuses the Owner acknowledges are a benefit to the Owner; and
- (c) damages are not an adequate remedy to the City in respect of any breach of this Agreement by the Owner, such that the Owner agrees the City should be entitled to an order for specific performance, injunction or other specific relief respecting any breach of this Agreement by the Owner.

**ARTICLE 2
HOUSING AGREEMENT AND LAND USE RESTRICTIONS**

2.0 Land Use Restrictions - The Owner and the City hereby covenant and agree as follows:

- (a) The Land must be used only in accordance with this Agreement;
- (b) The Owner will design, construct and maintain a building or buildings providing 68 Dwelling Units as purpose-built rental housing;
- (c) The Owner acknowledges that the City will not support applications to stratify the building and allow the identified purpose-built rental dwellings to be sold independently of each other for a period of ten (10) years from the date of this agreement.

**ARTICLE 3
HOUSING AGREEMENT AND TRANSFER RESTRICTIONS**

3.0 Purchaser Qualifications - The City and the Owner agree as follows:

- (a) the Owner must not sell or transfer, or agree to sell or transfer, any interest in any building containing purpose built rental Dwelling Unit(s) on the Land other than a full interest in the fee simple title to an agency or individual that will continue to ensure that the identified purpose- built rental Dwelling Unit(s) are available in accordance with this Agreement.

**ARTICLE 4
GENERAL**

4.1 Notice of Housing Agreement - For clarity, the Owner acknowledges and agrees that:

- (a) this Agreement constitutes a housing agreement entered into under s. 905 of the *Local Government Act*;
- (b) the City is requiring the Owner to file a notice of housing agreement in the LTO against title to the Land; and
- (c) once such a notice is filed, this Agreement binds all persons who acquire an interest in the Land.

4.2 No Effect On Laws or Powers - This Agreement does not



- (a) affect or limit the discretion, rights, duties or powers of the City under any enactment or at common law, including in relation to the use or subdivision of land,
- (b) impose on the City any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement,
- (c) affect or limit any enactment relating to the use or subdivision of land, or
- (d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of land.

4.3 Management – The Owner covenants and agrees that it will furnish good and efficient management of the Dwelling Units and will permit representatives of the City to inspect the Dwelling Units at any reasonable time, subject to the notice provisions of the *Residential Tenancy Act*. The Owner further covenants and agrees that it will maintain the Dwelling Units in a satisfactory state of repair and fit for habitation and will comply with all laws, including health and safety standards applicable to the Land. Notwithstanding the foregoing, the Owner acknowledges and agrees that the City, acting reasonably, may require the Owner, at the Owner's expense, to hire a person or company with the skill and expertise to manage the Dwelling Units.

4.4 Notice - Any notice which may be or is required to be given under this Agreement must be in writing and either be delivered or sent by facsimile transmission. Any notice which is delivered is to be considered to have been given on the first day after it is dispatched for delivery. Any notice which is sent by fax transmission is to be considered to have been given on the first business day after it is sent. If a party changes its address or facsimile number, or both, it must promptly give notice of its new address or facsimile number, or both, to the other party as provided in this section.

4.5 Agreement Runs With the Land - Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted by the Owner to the City in respect of the Land and this Agreement burdens the Land and runs with it and binds the Owner's successors in title and binds every parcel into which it is consolidated or subdivided by any means, including by subdivision or by strata plan under the *Strata Property Act*.

4.6 Discharge - The City agrees that within a reasonable time after a demand by the Owner, the City must execute and deliver to the Owner a discharge of this Agreement, executed in registerable form, discharging this Agreement as a section 905 Local Government Act notice from the Lands if:

- (a) a written request for discharge for this Agreement from the Owner is received by the City no earlier than 10 years from the date notice of this Agreement is registered against title to the Lands, which request includes the registrable form of discharge;
- (b) the Owner repays any City-provided grant associated with the construction of the purpose-built rental housing to the City, which payment will be deposited into the City's Housing Opportunities Reserve Fund; and
- (c) the cost of preparation of the aforesaid discharge, and the cost of registration of the same in the Land Title Office is paid by the Owner.

4.7 Limitation on Owner's Obligations - The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Land.

- 4.8 Release** – The Owner by this Agreement releases and forever discharges the City and each of its elected officials, officers, directors, employees and agents, and its and their heirs, executors, administrators, personal representatives, successors, and assigns, from and against all claims, demands, damages, actions, or causes of action by reason of or arising out of advice or direction respecting the ownership, lease, operation or management of the Land or the Dwelling Units which has been or at any time after the commencement of this Agreement may be given to the Owner by all or any of them. This clause will survive the termination of this Agreement.
- 4.9 Joint Venture** – Nothing in this Agreement will constitute the Owner as the agent, joint venturer, or partner of the City or give the Owner any authority to bind the City in any way.
- 4.10 Waiver** - An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.
- 4.11 Further Acts** - The Owner shall do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.
- 4.12 Severance** - If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.
- 4.13 Equitable Remedies** – The Owner acknowledges and agrees that damages would be an inadequate remedy for the City for breach of this Agreement and that the public interest strongly favours specific performance, injunctive relief (mandatory or otherwise), or other equitable relief, as the only adequate remedy for a default under this Agreement.
- 4.14 No Other Agreements** - This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.
- 4.15 Amendment** - This Agreement may be discharged, amended or affected only by an instrument duly executed by both the Owner and the City.
- 4.16 Enurement** - This Agreement binds the parties to it and their respective successors, heirs, executors and administrators. Reference in this Agreement to the "City" is a reference also to the elected and appointed officials, employees and agents of the City.
- 4.17 Deed and Contract** - By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.



IN WITNESS WHEREOF the parties hereunto have executed this Agreement on the date and year first above written.

SIGNED, SEALED & DELIVERED in the presence of:)

[Signature]
Signature of Witness)

C. BARTEAUX
Print Name)

111-1320 RIDGEWAY DRIVE
Address)

OFFICE MANAGER
Occupation)

Evergreen Lands Ltd. by its authorized signatories:

[Signature]

PER: ILEN WEBSTER
Print Name:

Print Name:

SIGNED, SEALED & DELIVERED in the presence of:)

Signature of Witness)

Print Name)

Address)

Occupation)

CITY OF KELOWNA by its authorized signatories:

Mayor

City Clerk

REPORT TO COUNCIL



Date: February 8th, 2013

RIM No. 3480-30

To: City Manager

From: Land Use Management, Community Sustainability (AW)

Application: OCP12-0014/ DP12-0177/ DVP12-0178 **Owner:** 5351923 Holdings Ltd.,
Inc. No. BC0790835
Manteo Beach Club Ltd.,
Inc. No. BC0911700

Address: 3762-3766 & 3756 Lakeshore Road **Applicant:** Manteo North GP Ltd.

Subject: OCP Text Amendment, Development Variance & Development Permit Applications

Existing OCP Designation: Mixed Use (Tourism)

Existing Zone: C9 - Tourist Commercial

1.0 Recommendations

THAT Official Community Plan Bylaw Amendment No. OCP12-0014 for a Text Amendment to OCP Objective 5.5, Policy .1, Building Height to exclude the development proposed at Lot A, District Lot 134 and Section 6, Township 26, ODYD, Plan KAP56428 Except Strata Plan KAS1776 (PH1), located at 3762-3766 Lakeshore Road from the 'Elsewhere Building Height' policy in order to permit one 10 storey and one 12 storey apartment hotel where the height maximum is 6 storeys;

AND THAT Council considers the Advisory Planning Commission public process to be appropriate consultation for the purpose of Section 879 of the Local Government Act, as outlined in the Report of the Land Use Management Department dated February 8, 2013;

AND THAT the Official Community Plan Bylaw Amendment be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT Final Adoption of the Official Community Plan Amending Bylaw be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP12-0177 for Lot 2, District Lot 134, ODYD, Plan 2912 Except Plan H9673, located at 3756 Lakeshore Road and Lot A, District Lot 134 and Section 6, Township 26, ODYD, Plan KAP56428 Except

Strata Plan KAS1776 (PH1), located at 3762-3766 Lakeshore Road, Kelowna, B.C. subject to the following:

- 1) The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- 2) The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
- 3) Landscaping to be provided on the land be in general accordance with Schedule "C";
- 4) The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;
- 6) The registration of a titled lot to dedicated the equivalent of 12m along Okanagan Lake in front of the existing 'Lakeshore Inn' for a Riparian Management Area and Public Trail to the City as shown on Schedule 'C';
- 7) The completion of a Purchase / Sale Agreement with the City involving an excess portion of Lakeshore Road and the Wilson Creek corridor;
- 8) The execution of the Servicing Agreement and associated bonding for the Development Engineering requirements;
- 9) Issuance of a Natural Environment Development Permit including RMA restoration, trail construction and maintenance for 5 years of the Okanagan Lake and Wilson Creek trail be authorized for issuance to the satisfaction of the Environment and Land Use Branch;
- 10) Registration of a Covenant against Lot A, District Lot 134 and Section 6, Township 26, ODYD, Plan KAP56428 Except Strata Plan KAS1776 (PH1), located at 3762-3766 Lakeshore Road ensuring that 51% of the total built floor area of Phase 2 & 3 are constructed as dedicated 'Hotel' space as defined in Zoning Bylaw No. 8000;
- 11) Phase 1 of the project starting construction within two years and Phase 2 starts within 10 years of Council approval of the form and character Development Permit.

AND FURTHER THAT the applicant be required to complete the above-noted condition No. 4 within 180 days of Council approval of the Development Permit in order for the permit to be issued.

AND THAT Council authorize the issuance of Development Variance Permit No. DVP12-0178 for Lot 2, District Lot 134, ODYD, Plan 2912 Except Plan H9673, located at 3756 Lakeshore Road and Lot A, District Lot 134 and Section 6, Township 26, ODYD, Plan

KAP56428 Except Strata Plan KAS1776 (PH1), located at 3762-3766 Lakeshore Road, Kelowna, B.C.;

AND THAT variances for Phase 1 of the development proposal to the following sections of Zoning Bylaw No. 8000 be granted:

Section 14.9.5 (c) Development Regulations - Front Yard Setback

To vary the required front yard setback from 6.0m required to 2.18m proposed, as per Schedule 'A'.

Section 14.9.5 (d) Development Regulations - Side Yard Setback

To vary one of the required side yard setbacks (South) from 3.0m required to 0.0m proposed, as per Schedule 'A'.

AND FURTHER THAT variances for Phase 2 and 3 of the development proposal to the following sections of Zoning Bylaw No. 8000 be granted:

Section 14.9.5 (b) Development Regulations - Height

To vary the maximum height from 22m / 6 stories permitted to 39m / 12 storeys (Phase 2) and 36m / 10 storeys (Phase 3) proposed, as per Schedule 'A'.

Section 14.9.5 (c) Development Regulations - Front Yard Setback

To vary the required front yard setback from 6.0m required to 0.7m proposed, as per Schedule 'A'.

Table 8.1 Parking Schedule

To vary the maximum parking stalls from 294 permitted (125%) to 313 proposed (133%).

Table 8.2 Loading Schedule

To vary the required loading spaces from 4 required to 2 proposed, as per Schedule 'A'.

2.0 Purpose

To consider an OCP amendment to OCP Objective 5.5, Policy .1, Building Height to exclude the development proposed at 3762-3766 Lakeshore Road from the OCP's Building Height Policy in order to permit a permit one 10 storey and one 12 storey apartment hotel where the height maximum is 6 storeys.

To consider a Development Permit for three phases of development on the "Lakeshore Inn" site and the Manteo resort site. Phase 1 is proposed as an 18 unit townhouse development, Phase 2 is a 12 storey hotel with 69 units and phase 3 consists of a 10 storey apartment hotel with 77 units. Phase 1 includes two setback variances, both of which are limited to isolated areas where the development footprint encroaches into the required setback. Phases 2 & 3 require four variances in order to accommodate the proposal, the most significant being the height variance from 22m / 6 storeys permitted to 39m / 12 storeys and 36m / 10 storeys proposed.

3.0 Land Use Management

The proposed Manteo resort development will expand the hotel, resort and convention centre uses in the area now designated Mixed Use Tourism in the 2030 Official Community Plan. The proposed project will complement the existing Manteo resort and will continue to develop important tourism infrastructure in this part of the City. The comprehensive resort planning with the existing Manteo resort and the proposed new facilities will enhance the overall services, infrastructure and tourism opportunities for this area and result in a niche tourism commercial node that promotes year round enjoyment for visitors and residents alike.

In consultation with City Staff, the applicant had submitted a number of development concepts during the past couple of years. The final concept includes three phases of development that will take place over the next 10-15 years. Phase 1 will take place on the 'Lakeshore Inn' property and will include 18 townhouse units that will be associated with the resort. Phase 2 and 3 are long term phases that won't take place for 10 years when the existing Manteo leases have run their course. The full redevelopment of the Manteo resort will include a 12 storey 69 unit hotel development and a 10 storey 77 unit apartment hotel project, an additional 775m² of tourist commercial uses and 363m² of convention space will be added onsite.

Form & Character

The hotel and apartment hotel tower elements offer a contemporary and colourful buildings utilizing a modern design which provides an Okanagan 'feel' to the architecture fitting for this foreshore location. The architectural expression is distinct and the quality of the building materials is commendable. Most notably, the site planning has been thoughtfully deliberated to establish the apartment hotel and hotel in a location as to provide potential view corridors along Wilson Creek, between the Phase 1 townhomes and between the existing hotel and Phase 2 rather than massing the development to span the length of the Lakeshore Road frontage. This results in a built form that protects the riparian area, is compatible with the neighbourhood and site context, and the public enjoyment of the lakefront is enhanced as a result of the development.

Height

Although a height variance is required, the massing of the current proposal provides a more appropriate form of development. While there are concerns with the height variance (specifically with regards to access to lake views) the location of the row housing component on the northern parcel will still allow views through the site from adjacent properties. The bulk of the height is located on a part of the site that will not have a substantial shading impact on adjacent properties. Although tower separation is not a regulation in the C9 zone the distance between the two towers is 38m which breaks down the massing and will allow sunlight to penetrate through the two towers. With the FAR and height available through the C9 zone the applicant could build a large and bulky 6 storey hotel along the entire length of Lakeshore. Although a significant height variance is required, the resulting form helps break down the massing and create a more appropriate form of development. Many of the negative impacts associated with the increased height will be borne by the developer and the towers were intentionally located in the middle of the site to reduce shadowing on adjacent properties and public spaces. As part of the request for additional height the applicant has agreed to secure 51% of the total floor area on the Manteo resort site as hotel related uses as allowed in the 'Hotel' definition in Zoning Bylaw No. 8000 to ensure that this redevelopment provides a significant amount of tourist commercial uses.

Community Amenity - Foreshore Dedication

The applicant will be dedicating and restoring a 10m Riparian Management Area (RMA) strip along Okanagan Lake which will be appropriately protected and landscaped with an additional 2m trail for public access along the Okanagan Lake foreshore and Wilson Creek. This crucial link will help the City achieve its plan to secure public access along the waterfront from Rotary Park to the mouth of Mission Creek. The Riparian Management Area restoration (to be completed by the applicant) will help to enhance the mouth of Wilson Creek and this piece of Okanagan Lake foreshore. These improvements will be of significant environmental benefit as these features had previously been disturbed and it will be positive both ecologically and aesthetically following the restoration. The applicant is offering the 12m dedication and the trail construction as a community amenity and to help offset some of the impact associated with the proposed height variance.

Variations

The two variations associated with Phase 1 are setback variations and are in isolated areas along the length of the property line and the impacts are anticipated to not be significant. In contrast, the Phase 2 & 3 height variations help to create a more acceptable form of development for this long term resort redevelopment. The front yard setback will provide an urban street edge along the City's multi-modal corridor and allows the project to shift further from lake. Staff are rarely supportive of variations that surpass the maximum; however in this limited instance providing parking above and beyond the requirement is appropriate due to the nature of the operation and the existing parking problems. The redevelopment will make Manteo more of a year round node of activity, and will be especially busy during summer months. The parking is also well integrated into the project and does not have a negative impact on the overall form and character of the proposal. However, given that the project does take place adjacent to the recently constructed multi-modal corridor and to improve the modal split for the project Staff have strongly encouraged the applicant to exceed Bylaw requirements for bike parking. By focusing on making the project bike friendly, the parking problems in the area could be alleviated significantly especially with regards to accommodating resort staff.

Overall, the applicant has been very receptive to design comments and Staff feel that the community amenity being secured as part of the comprehensive development is significant enough to justify supporting the requested variations. The applicant could have maximized access to Okanagan Lake for Phase 1 in the absence of a rezoning application, which would have frustrated the City's long term plan of securing public access along Okanagan Lake from Rotary Beach to the mouth of Mission Creek. Additionally, through a restrictive covenant the applicant has agreed to secure a 51% minimum of the total resort development as hotel uses. The project as proposed shows a commitment to enhancing this mixed use tourist area with a significant resort development.

4.0 Proposal

4.1 Background

The Phase 1 property is currently home to the 'Lakeshore Inn' which is a two storey, 44 unit motel building. In 1999, there was a major façade upgrade of the existing building development, but overall the building has deteriorated. The existing Manteo site where Phase 2 & 3 will take place currently has the existing hotel, which will be retained as part of this phased redevelopment. The existing townhouse units are under lease up to 2019 at which point the full

redevelopment of the main Manteo site may begin. Given the time lapse and project changes since the time of APC, the applicant will be hosting a Public Open House on March 4, 2013 and provide the public the opportunity to comment on the proposed resort redevelopment.

4.2 Project Description

The applicant is proposing to redevelop the subject properties with a new tourist commercial resort project that will be phased over the next 10-15 years. The first phase will take place on the 'Lakeshore Inn' property and includes 18 townhouse units that will be associated with the resort. Phase 2 and 3 are long term phases that won't take place for another 10 years when the existing Manteo leases have run their course. They will include a 12 storey, 69 unit hotel development and a 10 storey, 77 unit apartment hotel project that accommodates an additional 775m² of tourist commercial uses and 363m² of convention space.

The applicant has indicated that Phase 1 will ideally start construction within the next year or two and the town home form will provide a different product that will support the Manteo resort and provide other tourist accommodation options. The intent is that Phase 1, while offering a different experience, will still function as part of the Manteo resort complex. Although there will be a number of synergies between Phase 1 and the main Manteo property, a 'Santa Fe' design aesthetic has been used in order to make it distinct from the existing Manteo development. The materials include white stucco with wood trim, iron rails, clay tile roofs, wood garage doors and painted entrance doors. Landscaping will be provided throughout the site with a pool and common area located adjacent to the lake. Although provided to the City as a community amenity to help offset the impact from the height associated with Phase 2 and 3, the 12m Okanagan Lake strip will be dedicated to the City as part of Phase 1. Based on the applicants anticipated timing, the Riparian Management plantings and trail construction along Okanagan Lake and Wilson Creek could start as early as 2014. A mix of vegetation, fencing and berming will be used to delineate public and private spaces along Wilson Creek and the Okanagan Lake foreshore.

The Phase 2 & 3 site plan indicates that the under-building parking is located along the south and east side of the property line, with small commercial retail units buffering the parking structure from Lakeshore Road. The proposed towers are located towards the centre of the property above the parking structure. The asymmetrical towers are oriented to the west in a manner that will still allow sunlight to penetrate through the site. Placing the majority of the height in this location will maintain access to the sun and will not shade Rotary Beach. The materials are comprised primarily of orange and yellow painted concrete in keeping with the colourful 'Okanagan inspired' aesthetic Manteo currently provides. These materials are broken up with a number of windows and balconies which are enclosed by a glazed system. There are portions of the exterior walls which are of a solid panel construction with cut-out windows to provide strong vertical elements between the window-wall sections. The 4 storey parking podium base of the building is constructed of exposed architectural concrete, with cast-in details to provide visual interest to the structure along the Lakeshore Road frontage. A mix of glazing and painted concrete in addition to 3 small ground oriented retail units helps create a more active and attractive streetscape along this prominent façade. The north end of the podium structure is wrapped with glazing and provides outdoor seating opportunities adjacent to the Lakeshore Road multi-modal corridor. Vehicle and pedestrian entrance plaza are located at the north and south ends of the large podium, providing access to the entrance lobby of the hotel and apartment hotel as well as vehicle access to the parking structure. Significant improvements are also planned on the waterfront side of the project, with expanded pool and open space areas. The landscape plan submitted with the application package indicates a substantial amount of

The subject properties make up a significant portion of the designated mixed use tourism area with a large frontage along Okanagan Lake and Wilson Creek. The properties are generally flat, sloping down towards the lake. Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 - Parks and Open Space	Rotary Beach Park
East	C9 - Tourist Commercial RM7 - Mobile Home Park RR3 - Rural Residential 3	Hiawatha Residential Play Del Sol
South	C9 - Tourist Commercial	Eldorado Hotel
West	W2 - Intensive Water Use	Okanagan Lake

Zoning Analysis Table				
CRITERIA	C9 Requirements Phase 1	Proposed Phase 1 (Row Housing)	C9 Requirements Phase 2 & 3	Phase 2 & 3 Hotel
Development Regulations				
Floor Area Ratio	0.5	0.41	1.5 (Apart. hotel)	0.81
Height	22.0m / 6 storeys	10.3m / 3 Storeys	22.0m / 6 storeys	39m / 12 Storey ¹ 36m / 10 Storeys ¹
Front Yard	6.0m	2.18m ¹	6.0m	0.7m to Retail ² 17m min. to Tower
Side Yard (south)	3.0m	3.0m	3.0m	3.0m 15.45 to Tower
Side Yard (north)	3.0m	0.0m ²	3.0m	3.0m
Rear Yard	15.0m	15.0m	15.0m	15.0m min.
Other Regulations				
Min Parking Requirements	18 stalls	18 stalls	313 stalls	235 stalls x 125% 294 stalls permitted ³
Bicycle Parking	Class I: 1 Class II: 1	Provided in Garages	Class I: 11 stalls Class II: 15 stalls	Class I: 11 stalls Class II: 15 stalls
Loading Space	N/A	N/A	4	2*
Okanagan Lake Sightlines	120°	N/A	120°	Meets Requirement
Variances				
Phase 1:				
¹ Vary front yard setback from 6.0m required to 2.18m proposed.				
² Vary southern side yard setback from 3.0m required to 0.0m proposed.				
Phase 2 & 3:				
¹ Vary the height from 22.0m / 6 storeys permitted to 39m / 12 Storey and 36m / 10 Storeys proposed.				
² Vary the front yard setback from 6.0m required to 0.7m proposed.				
³ Vary the parking from a maximum of 294 stalls permitted to 313 stalls proposed.				
* Vary the required loading from 4 spaces required to 2 spaces proposed.				

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

5.1.1 Development Process (Chapter 5) - Considerations in Reviewing Development Applications

Ensure appropriate and context sensitive built form (Objective 5.5)

Building Height (Policy .1). Locate taller buildings in the geographic centre of Urban Centres and generally decrease height moving away from the centre, to a maximum of 4 storeys at the periphery of the Urban Centres, where adjoining land is designated for single/two unit housing.

- Elsewhere: Four storeys for residential and six storeys for apartment hotels and hotels. Additional height restrictions may be imposed as a result of airport-related zoning regulations.

View Corridors (Policy .2). Where multiple unit or commercial development along the shore zone is permitted, require that a view corridor to the lake from inland be maintained and ensure that the public use and enjoyment of the lakefront is enhanced as a result of the development.

Provide parks for a diversity of people and a variety of uses (Objective 5.14)

Site Density Calculations (Policy .1). Allow the owner(s) and developers who contribute land for park dedications, to use the original site area in computing density and floor area ratios and minimum area for development or subdivision purposes.

Protect Sensitive Areas (Policy .4). Sensitive environmental areas and riparian management areas (RMA) will be protected by siting trails beyond their boundaries, unless there are absolutely no alternatives.

Encourage uses and commercial ventures that promote local tourism (Objective 5.26).

Tourist Commercial (Policy .1). Consider commercial development for tourism related uses in the Capozzi / Truswell, Lakeshore, Cook Road area.

Visitor Accommodation (Policy .2). Consider allowing visitor accommodation along the shore zone provided that such a use protects the riparian area, would be compatible with the neighbourhood and site context, and public enjoyment of the lakefront is enhanced as a result of the development.

Waterfront Commercial (Policy .3). Waterfront commercial and multiple unit housing must facilitate and enhance public enjoyment of or access to the lakefront.

5.1.2 Urban Design Guidelines (Chapter 14) - Comprehensive Development Permit Area (Multiple Unit Residential, Commercial, and Industrial Design guidelines)

Objectives

- Convey a strong sense of authenticity through urban design that is distinctive for Kelowna;
- Promote a high urban design standard and quality of construction for future development that is coordinated with existing structures;
- Integrate new development with existing site conditions and preserve the character amenities of the surrounding area;
- Promote interesting, pedestrian friendly streetscape design and pedestrian linkages;
- Provide for a scale and massing of commercial buildings that promotes a safe, enjoyable living, pedestrian, working, shopping and service experience;

- Incorporate architectural features and detailing of buildings and landscapes that define an area's character;
- Promote alternative transportation with enhanced streetscapes and multimodal linkages;
- Highlight the significance of community institutional and heritage buildings; and
- Protect and restore the urban ecology (i.e. architectural and site consideration with respect to the ecological impact on urban design).
- Moderate urban water demand in the City so that adequate water supply is reserved for agriculture and for natural ecosystem processes.
- Reduce outdoor water use in new or renovated landscape areas in the City by a target of 30%, when compared to 2007.

Guidelines

Authenticity and regional expression

- Incorporate landscaping and building form and character that is distinct to Kelowna and the Central Okanagan and conveys a sense of authenticity;
- Incorporate forms and images that relate to the region's natural and cultural landscapes (e.g. incorporate winery or orchard inspired trellises or rooflines that reflect those found on barns and older homes located on/around agricultural lands);
- Respond architecturally to summer sun with buildings that have overhangs and recesses of sufficient depth to provide comfort and shade;
- Incorporate materials that relate to the character of the region and the context of the surrounding neighbourhood;
- Use colours found in the region's natural and cultural landscape;
- Provide generous outdoor spaces, including rooftops, balconies, patios and courtyards, to allow residents to benefit from the favourable Okanagan weather;
- Incorporate techniques and treatments that emphasize the transition between inside and outside (e.g. operable windows, overhead rolling doors, canopies, trellises, recessed entrances, and extended building planes).

Relationship to the street

- Locate buildings to provide an effective street edge while respecting the established, desired streetscape rhythm;
- Develop visual and physical connections between the public street and private buildings (e.g. patios and spill-out activity, views to and from active interior spaces, awnings and canopies);
- Avoid split level, raised or sunken parkade entrances;
- Design buildings with multiple street frontages to give equal emphasis to each frontage with respect to building massing, materials, details, and landscaping.

Massing and height

- Mitigate the actual and perceived bulk of buildings by utilizing appropriate massing, including:
- Architectural elements (e.g. balconies, bay windows, cantilevered floors, cupolas, dormers);
- Visually-interesting rooflines (e.g. variations in cornice lines and roof slopes);
- Step back upper floors to reduce visual impact;
- Detailing that creates a rhythm and visual interest along the line of the building;

- Wall projections and indentations, windows and siding treatments as well as varied material textures should be utilized to create visual interest and to articulate building facades;
- Building frontages that vary architectural treatment in regular intervals in order to maintain diverse and aesthetically appealing streets.
- Ensure developments are sensitive to and compatible with the massing of the established and/or future streetscape;
- Design developments with multiple, separate buildings such that individual buildings are of different but compatible shapes, masses, and exterior finishes;
- Design with consideration for the effect of building height on shading and views.

6.0 Technical Comments

6.1 Building & Permitting Department

- Demolition Permits required for any structures prior to them being taken down.
- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s) for new construction
- The tower building(s) are required to be of non-combustible construction.
- A minimum Geodetic Elevation of 343.66 meters is required for all habitable spaces including the parking garage(s).
- A Geotechnical report is required to address the sub soil conditions and potential impact on neighbouring properties. A Geotechnical pier review will be required at time of building permit application.
- A Structural pier review will be required at time of building permit application.
- Requirements of the City of Kelowna fire prevention regulations bylaw No. 6110 for buildings greater than 6 stories are to be shown on the building permit drawings.
- Size and location of all signage to be clearly defined as part of the development permit
- Awnings over city property require an indemnification agreement(s).
- Code analysis is required for the structures at time of building permit applications, but the following items may affect the form and character of the building:
 - Spatial calculation required to be verified between buildings 2 & 3.
 - A 2nd exit may be required from the ground floor spa area and lower parking stall area.
 - A vestibule may be required for the residential units accessed from the garage levels.
 - An alternative solution maybe required for the tower exit stairs that combine into one exit door prior to the release of the Development Permit
- Exiting for the second level executive office space is to be defined at time of building permit application
- Full Plan check for Building Code related issues will be done at time of Building Permit applications

6.2 Development Engineering Department

See Attached.

6.3 Fire Department

No Comment.

6.4 Fortis BC - Gas

Please be advised FortisBC has no objections or comments in regards to the above mentioned referral.

6.5 Fortis BC - Electric

This is a major phased development and all primary distribution facilities onsite will require land rights protection. Since the location of these facilities will be unknown until the design phase, pursuit of land rights will be deferred until that time. It should be noted that, due to the overall size of the development, it is likely that off-site FBC facilities along Lakeshore Rd will require significant upgrades. All costs related to off-site upgrades to FBC facilities will be charged to the applicant. Otherwise, FBC has no land rights concerns at this time. It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

6.6 Infrastructure Planning

- Secure waterfront dedication for public parkland and environmental protection; LUM to determine appropriate width.
- Construct public waterfront promenade (as part of the Rotary Beach Park to Mission Creek section); Class 1: Major Urban Promenade - hard-surfaced for universal accessibility. There has been some concern with balancing environmental objectives, but this trail will likely be very popular and to accommodate the anticipate traffic volumes I would recommend a 2.0m width.
- Incorporate urban design principals in the proposed development to ensure a positive relationship between private and public realm:
 - Lakeshore Road Multi-use Corridor;
 - Southern property line of Rotary Beach Park;
 - Wilson Creek trail area;

6.7 Public Health Inspector

Healthy Built Environments

We strongly support development requirements aimed at preserving and restoring riparian areas along Wilson creek and the foreshore of Okanagan Lake. The maintenance of strong riparian ecosystems, including the protection and restoration of creek and foreshore riparian zones are important for the preservation of water quality in Okanagan Lake, in particular, recreational water quality of the adjacent Rotary Beach Park. We also support initiatives aimed at enhancing public walkability through the dedication of a public path along the lake edge, thereby improving connectivity with the waterfront and adjacent walking/cycling paths.

7.0 Application Chronology

Date of Comprehensive Application Received:	September 26 th , 2012
Advisory Planning Commission:	July 19 th , 2011
Resolution of Outstanding Issues:	February 1 st , 2013
Applicant hosted Public Open House:	Scheduled for March 4 th , 2013

The applicant has a public open house scheduled for March 4th, 2013 where public information panels and project visuals will be displayed for the purposes of consulting the public and

receiving community input. At the time of Public Hearing the applicant will be in a position to provide a summary of the open house results.

Report prepared by:

Alec Warrender, Land Use Planner

Reviewed by: Danielle Noble, Manager, Urban Land Use

Approved for Inclusion D. Gilchrist, A. General Manager, Community Sustainability

Attachments:

- Site Plan
- Conceptual Elevations
- Landscape Plan
- Shadow Study
- Development Engineering Requirements

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Permit No.:

DP12-0177 & DVP12-0178

EXISTING ZONING DESIGNATION:	C9 - Tourist Commercial
WITHIN DEVELOPMENT PERMIT AREA:	Comprehensive Development Permit Area
DEVELOPMENT VARIANCE PERMIT:	<p>Phase 1:</p> <ul style="list-style-type: none"> • Vary front yard setback from 6.0m required to 2.18m proposed. • Vary southern side yard setback from 3.0m required to 0.0m proposed. <p>Phase 2 & 3:</p> <ul style="list-style-type: none"> • Vary the height from 22.0m / 6 storeys permitted to 39m / 12 Storey and 36m / 10 Storeys proposed. • Vary the front yard setback from 6.0m required to 0.7m proposed. • Vary the parking from a maximum of 294 stalls permitted to 313 stalls proposed. • Vary the required loading from 4 spaces required to 2 spaces proposed.

ISSUED TO:	Manteo North GP Ltd.
LOCATION OF SUBJECT SITE:	3762-3766 & 3756 Lakeshore Road

	SECTION	DISTRICT LOT	SECTION	TWP	DISTRICT	PLAN
LEGAL DESCRIPTION:	2	134			ODYD	Plan 2912 Except Plan H9673
	A	134	6	26	ODYD	Plan KAP56428 Except Strata Plan KAS1776 (PH1)

<u>SCOPE OF APPROVAL</u>
<p><input type="checkbox"/> This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.</p> <p><input type="checkbox"/> This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.</p> <p><input type="checkbox"/> Applicants for a Heritage Alteration Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.</p>

1. TERMS AND CONDITIONS:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. Phase 1 of the project starting construction within two years and Phase 2 starts within 10 years of Council approval of the form and character Development Permit.

AND THAT variances for Phase 1 of the development proposal to the following sections of Zoning Bylaw No. 8000 be granted:

Section 14.9.5 (c) Development Regulations - Front Yard Setback
To vary the required front yard setback from 6.0m required to 2.18m proposed.

Section 14.9.5 (d) Development Regulations - Side Yard Setback
To vary one of the required side yard setbacks (South) from 3.0m required to 0.0m proposed.

AND FURTHER THAT variances for Phase 2 and 3 of the development proposal to the following sections of Zoning Bylaw No. 8000 be granted:

Section 14.9.5 (b) Development Regulations - Height
To vary the maximum height from 22m / 6 stories permitted to 39m / 12 storeys and 36m / 10 storeys proposed.

Section 14.9.5 (c) Development Regulations - Front Yard Setback
To vary the required front yard setback from 6.0m required to 0.7m proposed.

Table 8.1 Parking Schedule
To vary the maximum parking stalls from 294 permitted to 313 proposed.

Table 8.2 Loading Schedule
To vary the required loading spaces from 4 required to 2 proposed.

2. The development shall commence by and in accordance with an approved Building Permit within ONE YEAR of the date of the Municipal Council authorization resolution.

3. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

3. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out ~~the~~

development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ _____ N/A _____.
- (b) A Certified Cheque in the amount of \$ _____ N/A _____.
- (c) An Irrevocable Letter of Credit in the amount of \$ _____ TBD _____.

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

5. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Planning & Development Services.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent

Date

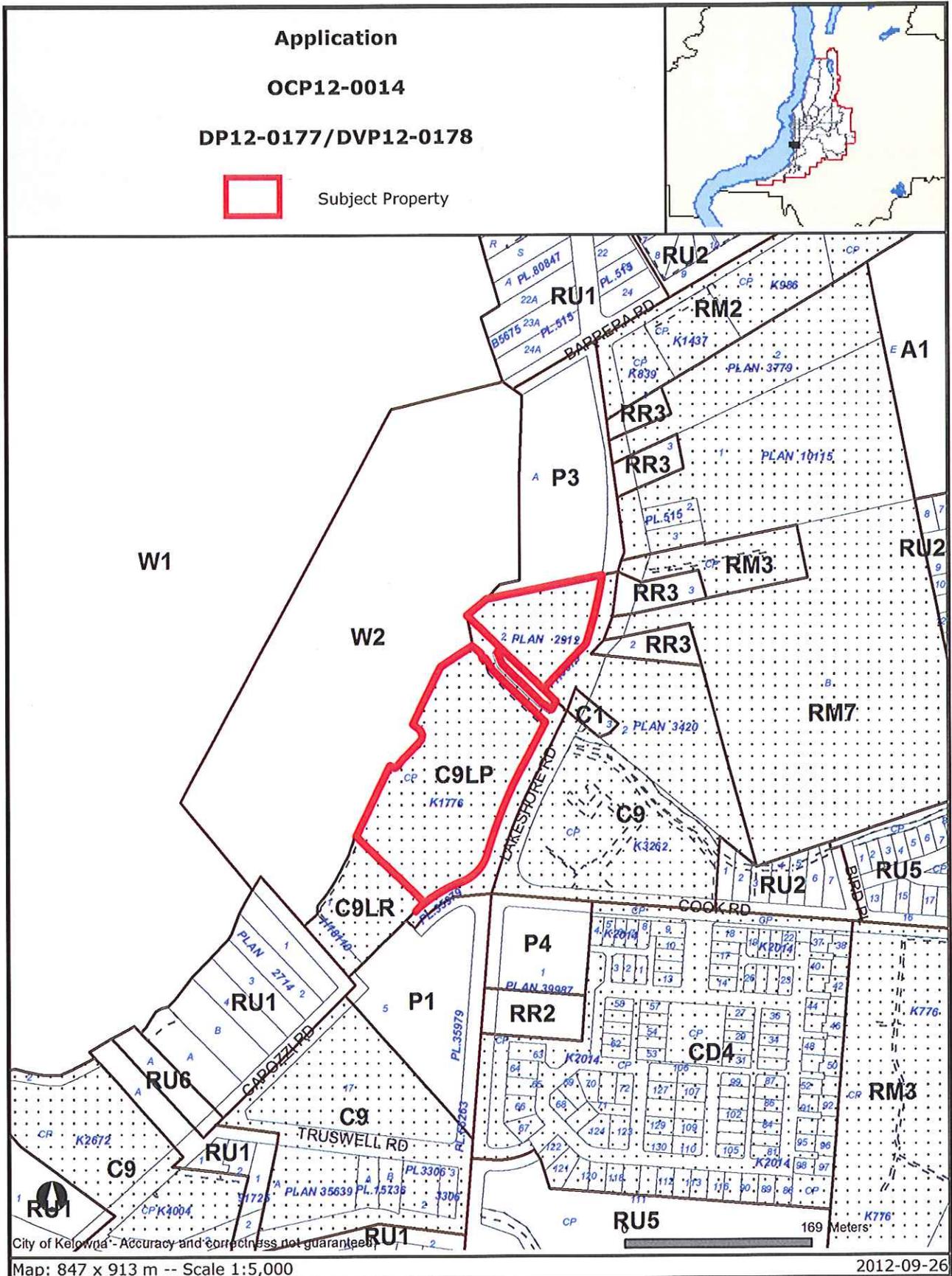
Print Name in Bold Letters

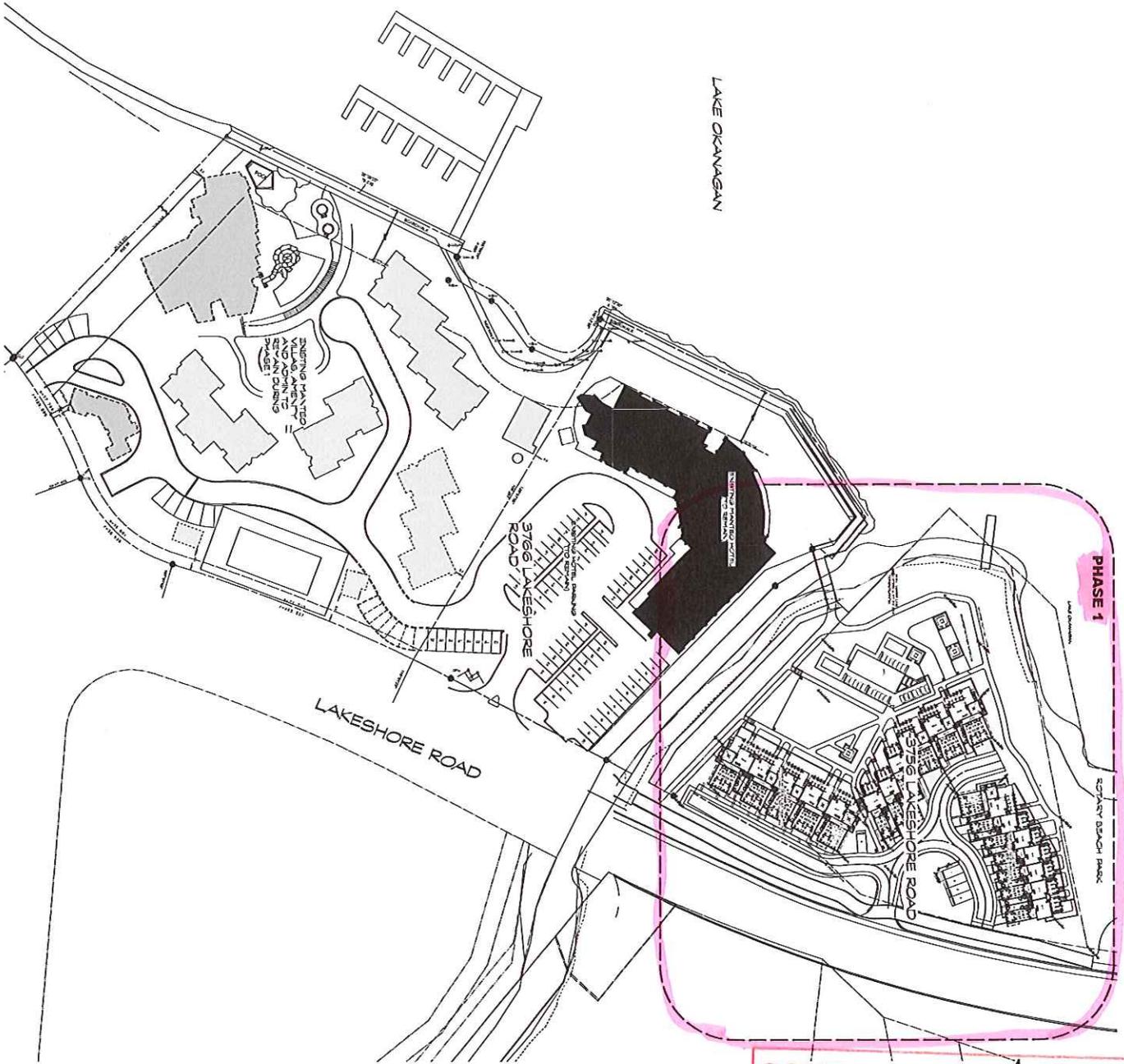
Telephone No.

5. APPROVALS:

DEVELOPMENT PERMIT & DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY THE COUNCIL ON THE 12th DAY OF MARCH, 2013

ISSUED BY THE ACTING GENERAL MANAGER OF COMMUNITY SUSTAINABILITY OF THE CITY OF KELOWNA THE _____ DAY OF - _____, 2013.



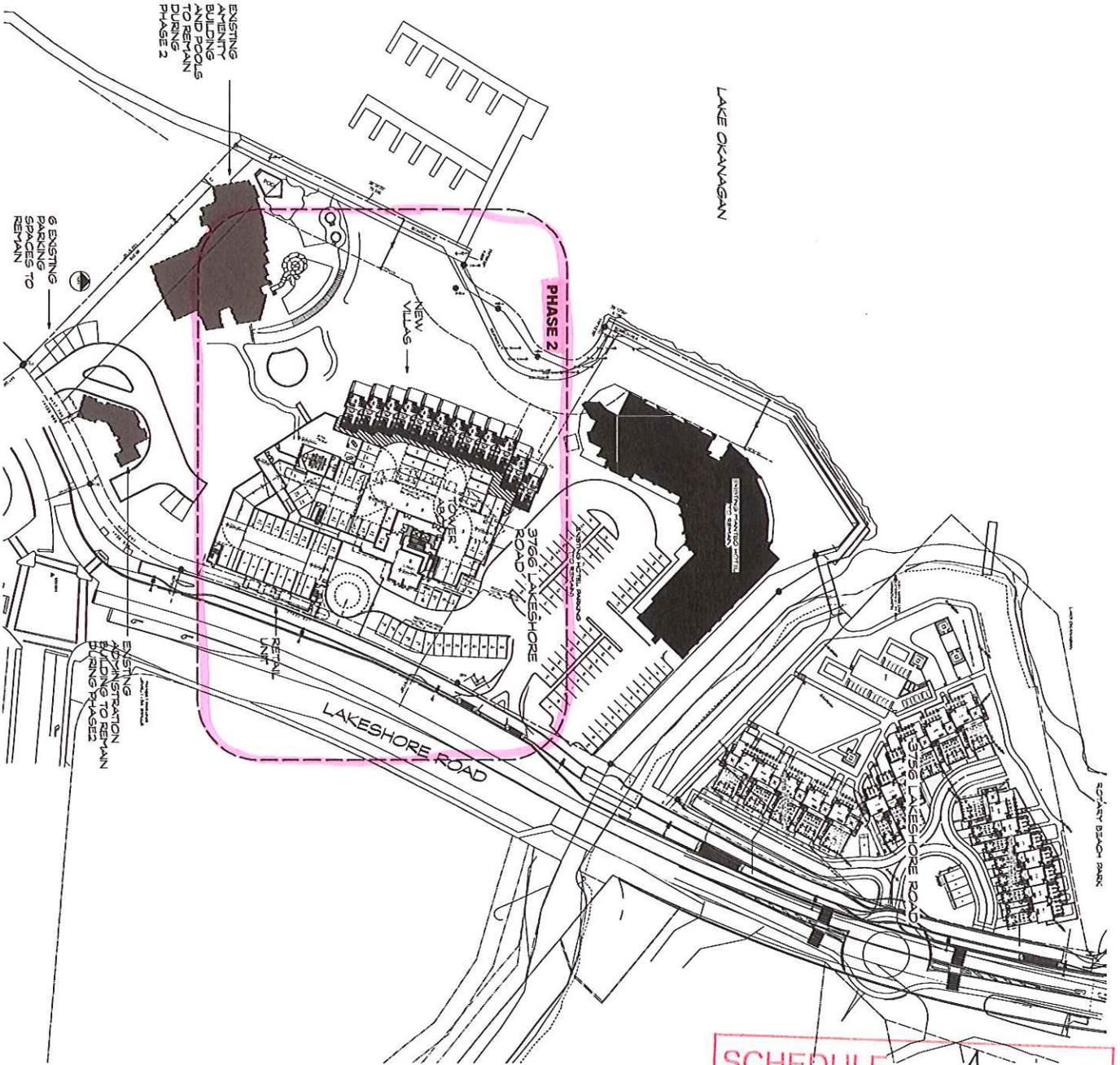


SCHEDULE A
 This forms part of development
 Permit # DPD-0177/DWP-0178

MANTEDO RESORT DEVELOPER 5756, 5758 LAKESHORE RD	
SHEET NO. 1000	PROJECT NO. M0302024
SITE PLAN PHASE 1	
SCALE -	DATE A1.0

PGA
 Robert Stewart Architecture Inc.
 200 - 2500 Columbia Street
 Courtenay, BC V9J 5T5
 TEL: (250) 887-4211
 FAX: (250) 887-4212
 Website: www.stewartarch.com

PROJECT NO. M0302024	SHEET NO. 1000
DATE A1.0	SCALE -
DRAWN BY [Blank]	CHECKED BY [Blank]
APPROVED BY [Blank]	TITLE [Blank]

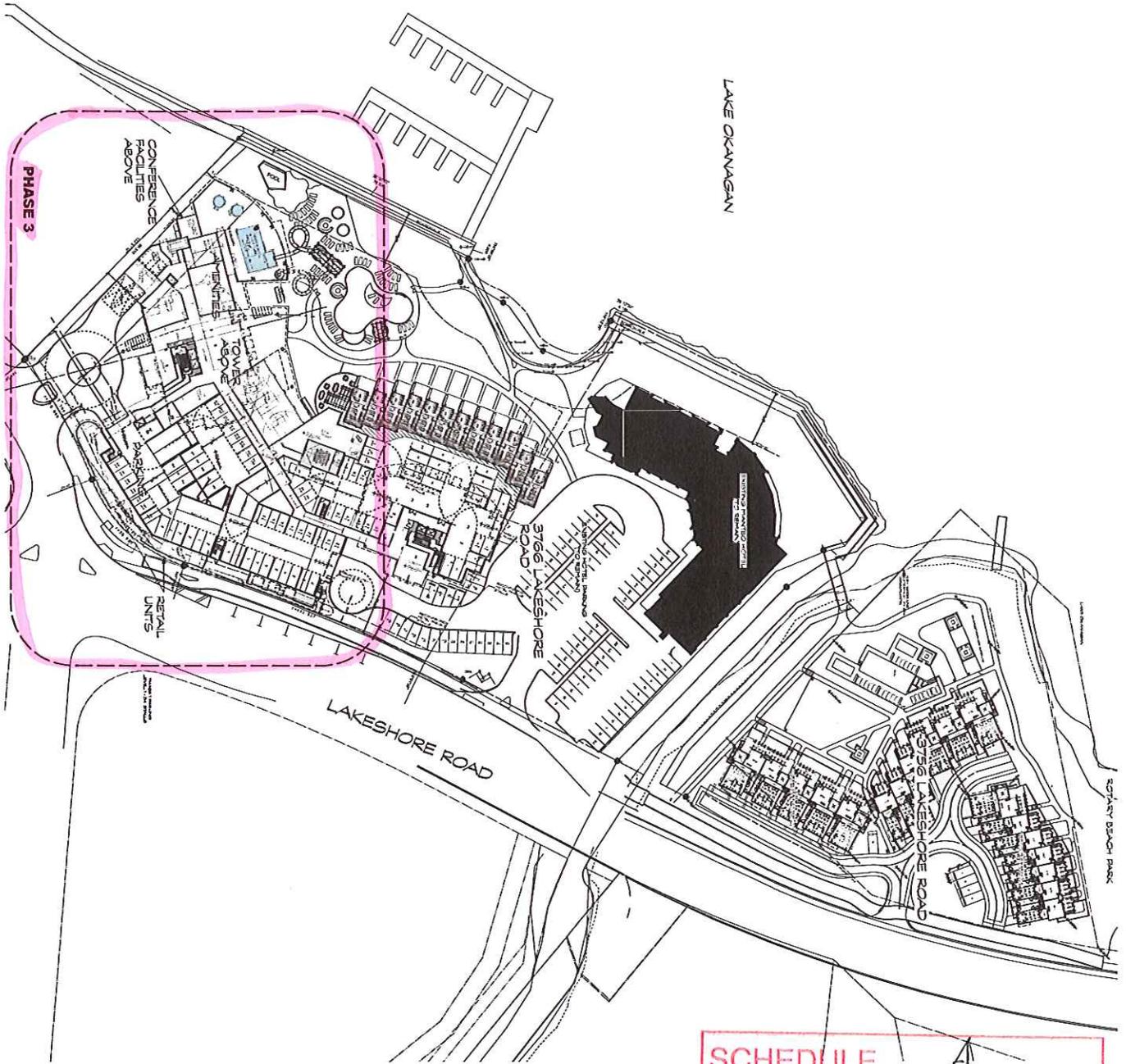


SCHEDULE A
 This forms part of development
 Permit # DRP-0177 / DRP-0178

MANTED RESORT EXPANSION 5750, 3700 LAKESHORE RD	
SHEET NO. 1 OF 1	SCALE: AS SHOWN
DATE: 10/20/2014	DRAWN BY: [Name]
SITE PLAN PHASE 2	
-	A11

PGA
 Robert Gordon Architects Inc.
 200 - 2500 Columbia Street
 Courtenay, BC V9T 3T3
 Tel: (250) 887-4741
 Fax: (250) 887-4742
 Website: www.rga.ca

TITLE: [Blank]	DATE: [Blank]
DRAWN BY: [Blank]	CHECKED BY: [Blank]
APPROVED BY: [Blank]	DATE: [Blank]



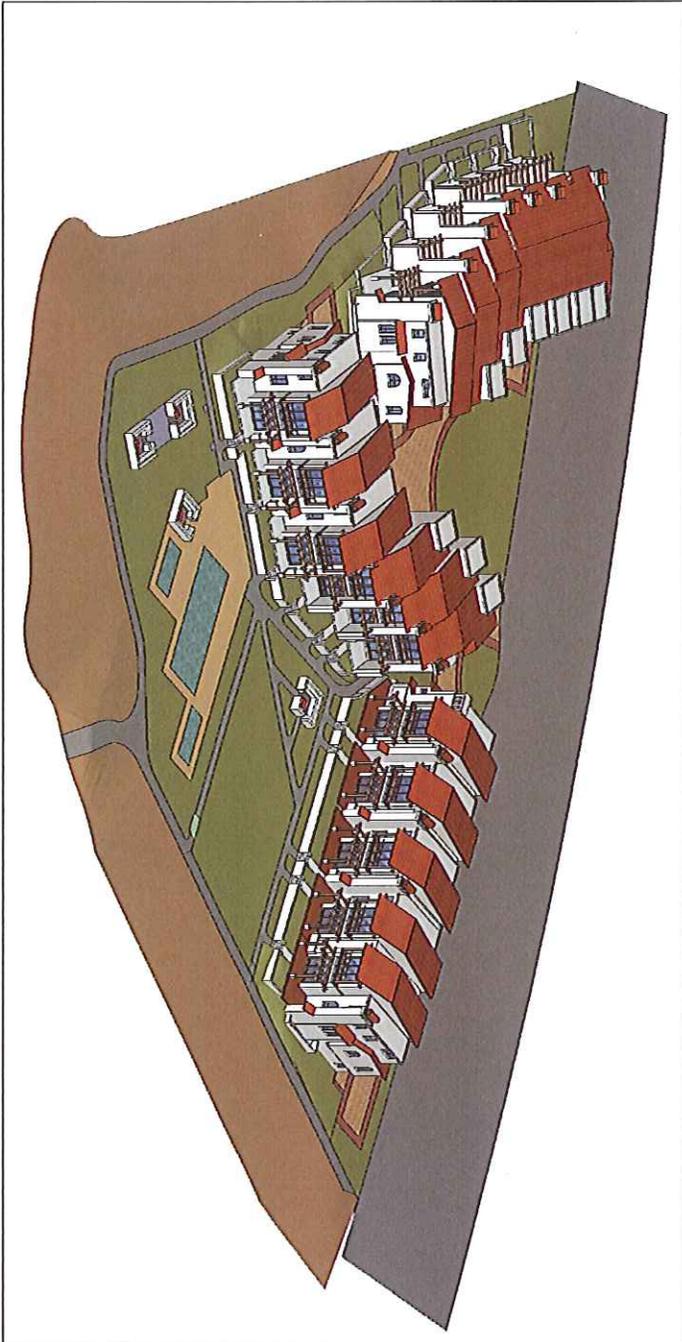
SCHEDULE

This forms part of development
 Permit # DPID-0177 / DUPID-0178

MANTEO RESORT EXPANSION 3750, 3760 LAKESHORE RD.	
SHEET NO. 300 OF 300	SHEET NO. A12 OF 12
SITE PLAN PHASE 3	

PGA
 Robert Cloward Architects Inc.
 200 - 22nd Columbia Street
 Vancouver, B.C.
 Canada V7T 1T7
 Tel: (604) 681-4411
 Website: www.rcaarchitects.com

DATE: _____ DRAWN BY: _____ CHECKED BY: _____	DATE: _____ DRAWN BY: _____ CHECKED BY: _____
---	---



PHASE 1

3756 LAKESHORE RD.

SCHEDULE B
This forms part of development
Permit # DPI 077 / DUP 078

THESE PLANS HAVE BEEN PREPARED BY THE ARCHITECT AND SUBMITTED TO THE CITY OF CHICAGO FOR REVIEW AND APPROVAL. THE CITY OF CHICAGO HAS REVIEWED THESE PLANS AND HAS ISSUED THIS PERMIT. THE ARCHITECT HAS REVIEWED THESE PLANS AND HAS ISSUED THIS PERMIT. THE ARCHITECT HAS REVIEWED THESE PLANS AND HAS ISSUED THIS PERMIT.

NO. 1	DATE	DESCRIPTION

NO. 1	DATE	DESCRIPTION



PGA

Robert Chevrolet Architecture Inc.
200 - 2200 Cambridge Ave.
Chicago, IL 60614
Tel: (773) 867-4477
Fax: (773) 867-4477
www.rca.com

MANTEDO
RESORT
PHASE 1
DIVIDER SHEET
3756 LAKESHORE RD.

NO. 1	DATE	DESCRIPTION

NO. 1	DATE	DESCRIPTION



3795

LAKESHORE ROAD

LAKE DIVISION

PHASE 1 SWIM

3795 Manteo Road, Manteo, NC
 3795 Manteo Road, Manteo, NC
 3795 Manteo Road, Manteo, NC

PROPOSED USE: HOTEL

PROPOSED USE: HOTEL

Building	Area	Volume	Notes
BUILDING 1	3,450 sq ft	12,000 cu ft	Hotel
BUILDING 2	3,450 sq ft	12,000 cu ft	Hotel
BUILDING 3	3,450 sq ft	12,000 cu ft	Hotel

SCHEDULE A
 This forms part of development
 Permit # DP12-0177 / DP12-0178



MANTEO RESORT EXPANSION PHASE 1
 3795 LAKESHORE RD.

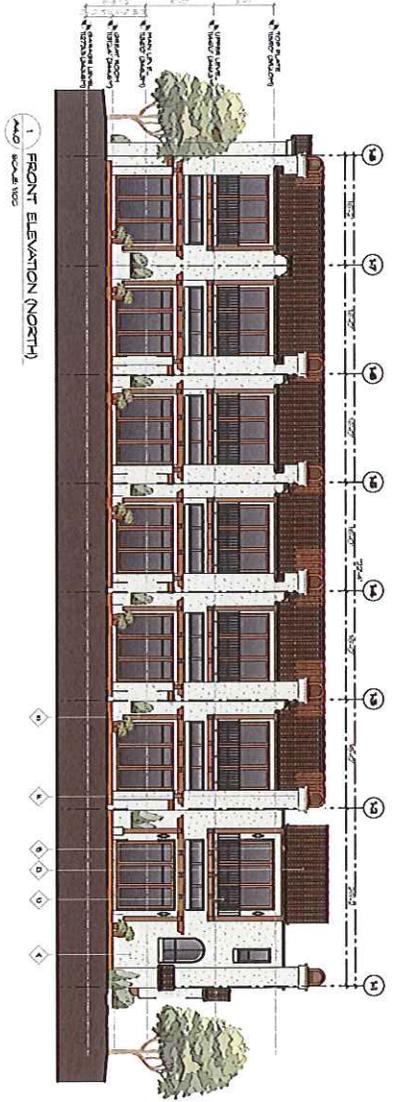
BCA
 Robert Crockett Inc. 200 - 200A Columbia Street
 Charlotte, NC 28202
 Tel: (704) 377-4841
 Website: www.bcaonline.com

SITE PLAN

DATE: 10-20-2011

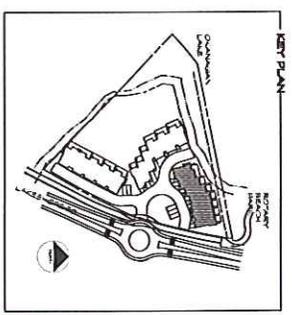
SCALE: 1" = 100'

CONTRACTOR RESPONSIBILITY: THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND AGENCIES.



1 FRONT ELEVATION (NORTH)
1/40 SCALE 1/100

- MATERIAL LIST**
- ▶ PAINTED ROUGH-CORR STEEL
 - ▶ PAINTED WOOD TRIMS
 - ▶ PAINTED COOL IRON GUARDS
 - ▶ CLAY TILE ROOF
 - ▶ PAINTED GARAGE / ENTRY DOORS
 - ▶ CLAY CERAMIC TILES
 - ▶ PAINTED ALUMINUM SLATERS
 - ▶ 1/2" BRICK WOOD TRIMS

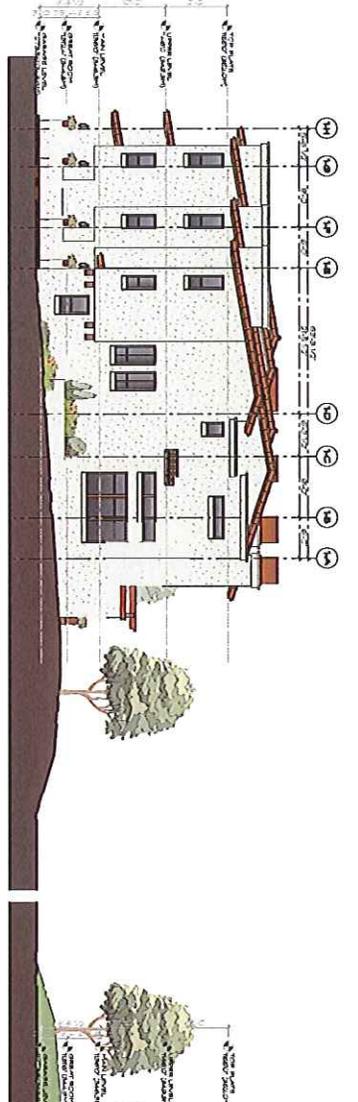


SCHEDULE

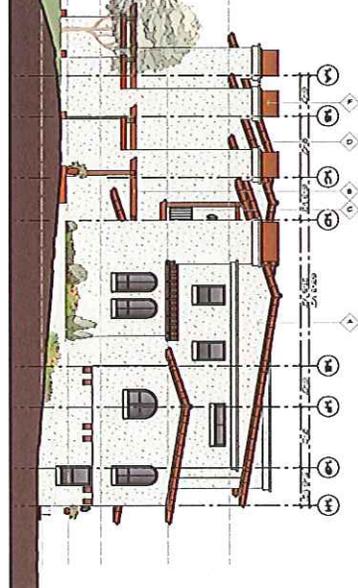
This form is part of development permit application. It is to be filled out by the applicant and submitted with the application. It is not to be used as a contract. The applicant is responsible for providing accurate information. The applicant is responsible for providing accurate information. The applicant is responsible for providing accurate information.

Permit # **17110-010**

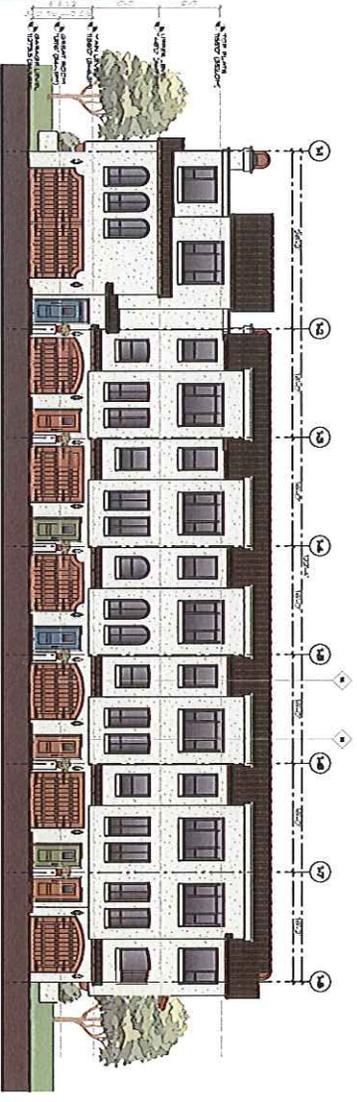
8/26/18



2 SIDE ELEVATION (EAST)
1/40 SCALE 1/100



3 SIDE ELEVATION (WEST)
1/40 SCALE 1/100

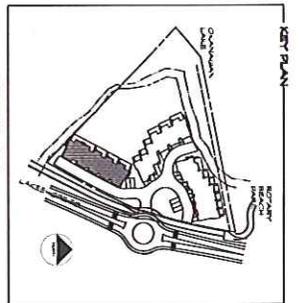
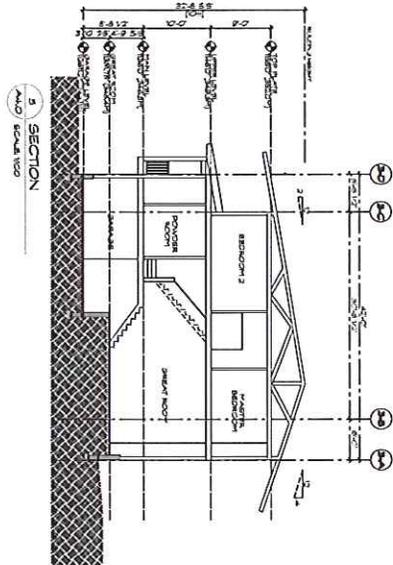
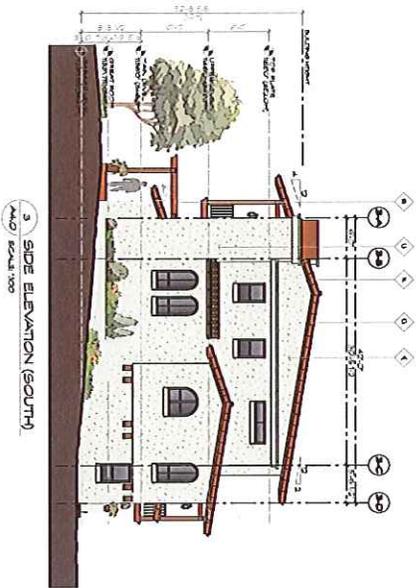
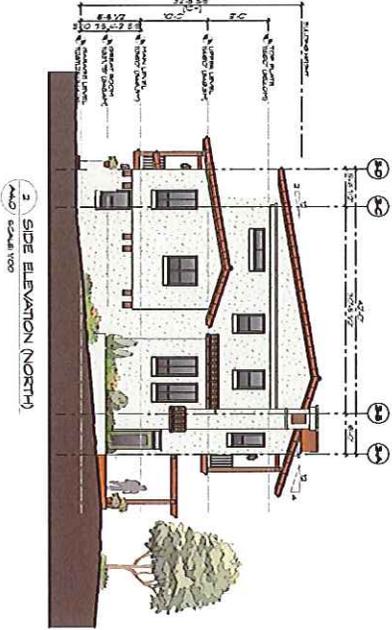
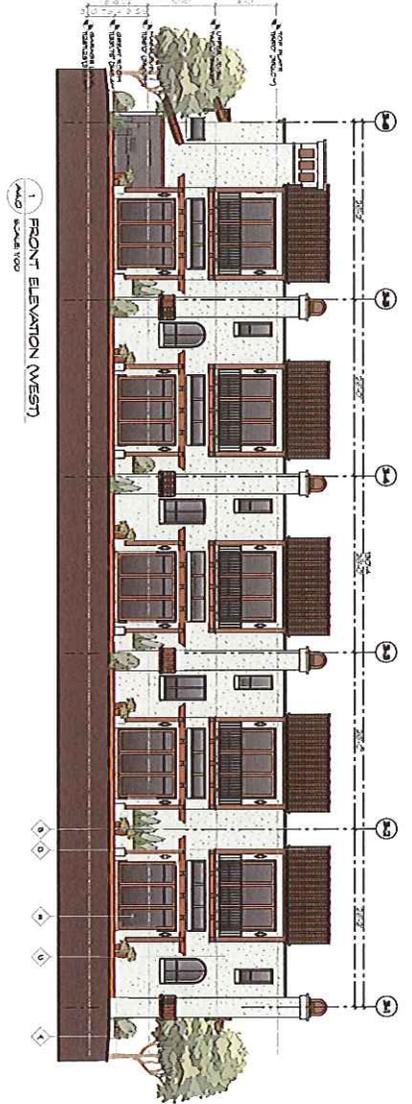


4 REAR ELEVATION (SOUTH)
1/40 SCALE 1/100

ROBA

Robert O'Connell Architects Inc.
200 - 2289 Columbia Street
Chatham, ON N7B 3T8
Tel: (905) 887-4741
Fax: (905) 887-4742
www.robarchitects.com

<p>PLANNED WANTEDO RESORT</p> <p>PHASE 1 3750 SANDY-CREEK RD.</p>	
<p>PROJECT NO.</p> <p>1100</p> <p>NO. SHEETS</p> <p>1/44.0</p>	<p>DATE</p> <p>1/44.0</p>



- MATERIAL LIST
- 1 PAINTED ROUGH-CUT BRUSSED
 - 2 PAINTED WOOD TRIMS
 - 3 PAINTED ROOF IRON FLASHINGS
 - 4 CLAY TILE ROOF
 - 5 PAINTED GARAGE / ENTRY DOORS
 - 6 CLAY CHIMNEY CAPS
 - 7 PAINTED ALUMINUM GUTTER
 - 8 TO MATCH WOOD TRIMS

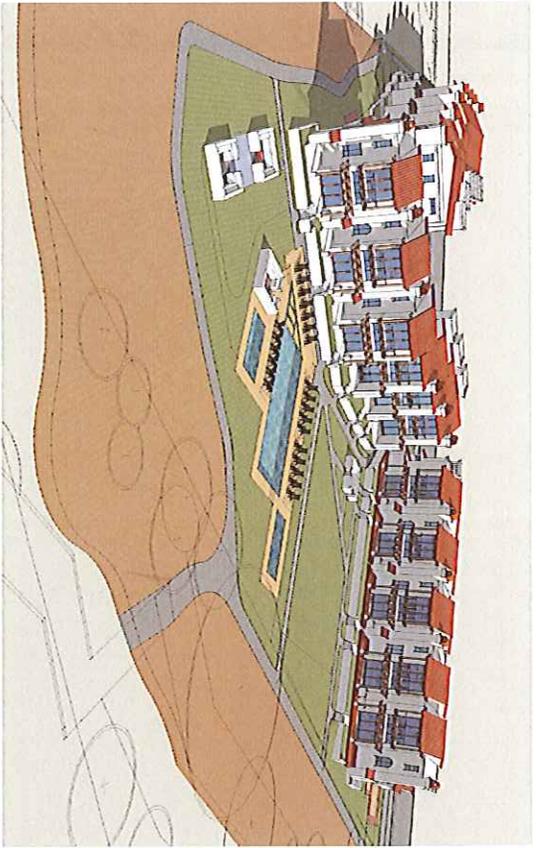
SCHEDULE

This form part of development
Permit # 2012-0177

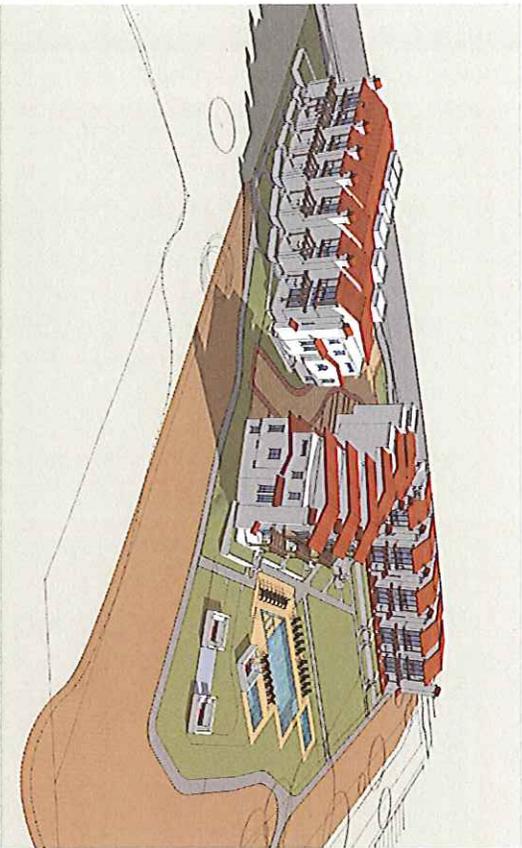
ROGA
Robert O'Connell Architects Inc.
200 - 2280 Columbia Street
Columbus, ON N1M 3T3
Tel: (519) 887-4241
Fax: (519) 887-4242
www.roga.com

<p>MANTEO RESORT PHASE 1 3750 WILSON DRIVE, SO.</p>	
SP	NO. 1000
NO. 1000	NO. 1000
<p>BUILDING #3 ELEVATIONS</p>	
<p>1_A4.2</p>	

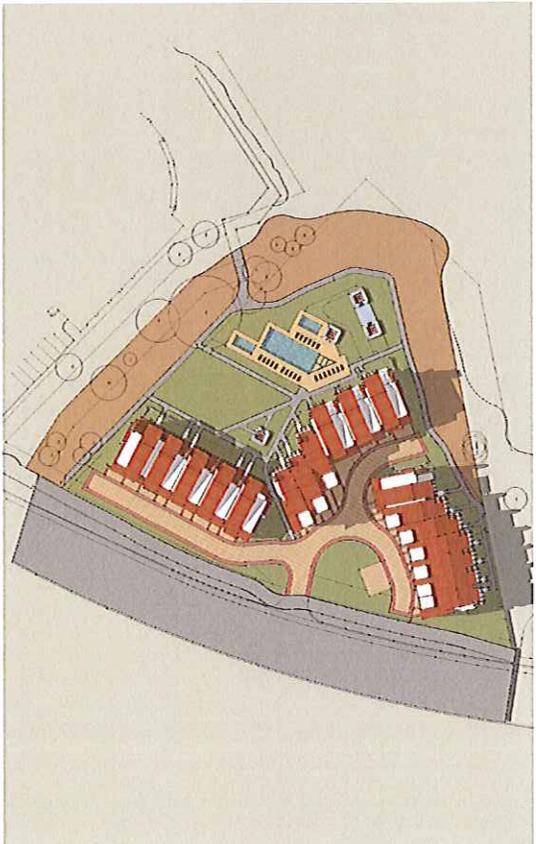
CONTRACTOR'S REVIEW: THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION UNLESS THE CONTRACTOR HAS BEEN ADVISED BY THE ARCHITECT THAT THE DRAWING IS THE LATEST REVISION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS SHOWN ON THIS DRAWING. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.



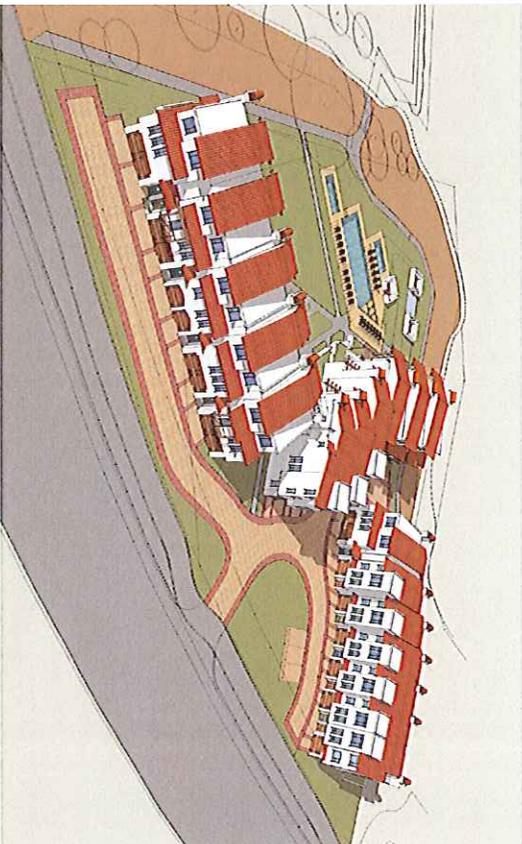
1 VIEW OF APPEALING COURTYARD (LOOKING TOWARDS EAST)
1/50 SCALE NTS



2 VIEW OF SITE (LOOKING TOWARDS SOUTH)
1/50 SCALE NTS



3 TOP VIEW OF SITE
1/50 SCALE NTS



4 VIEW OF SITE (LOOKING TOWARDS WEST)
1/50 SCALE NTS

OWNER: MANTO RESORTS, INC. 3756 LAKESHORE RD., SUITE 100, WASHINGTON, DC 20007
 ARCHITECT: RBA ARCHITECTURE, INC. 300 - 22ND ST., WASHINGTON, DC 20001
 DATE: 10/15/13
 PROJECT: MANTO RESORTS, INC. PHASE 1 EXPANSION
 SHEET: 1 OF 1

SCHEDULE B
 This forms part of development
 Permit # DP12-0177 / DP12-0178

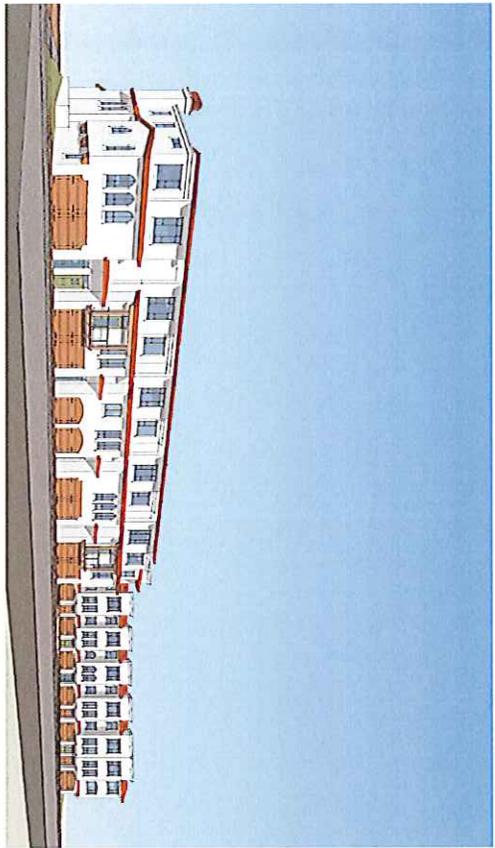
RBA

Robert Ciccardi Architects Inc.
 300 - 22ND ST., WASHINGTON, DC 20001
 TEL: (202) 462-4444
 WWW.RBAARCHITECTS.COM

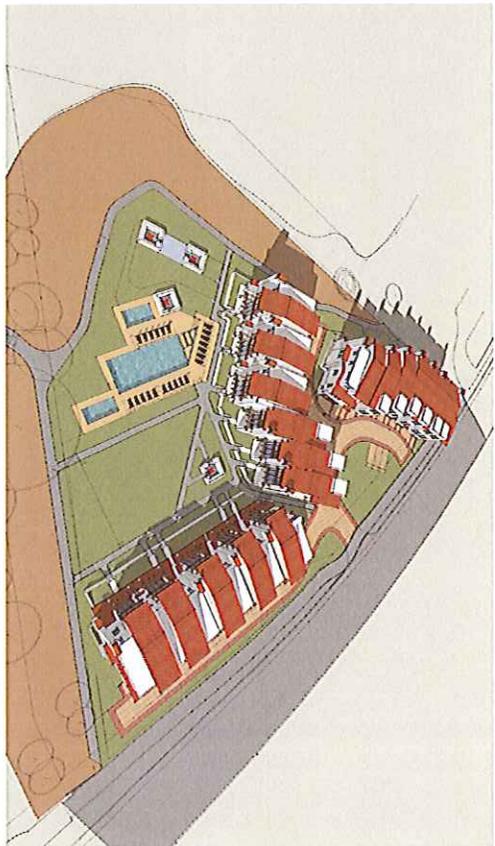
MANTO RESORTS, INC.
 PHASE 1 EXPANSION
 3756 LAKESHORE RD.

PERSPECTIVE RENDERINGS

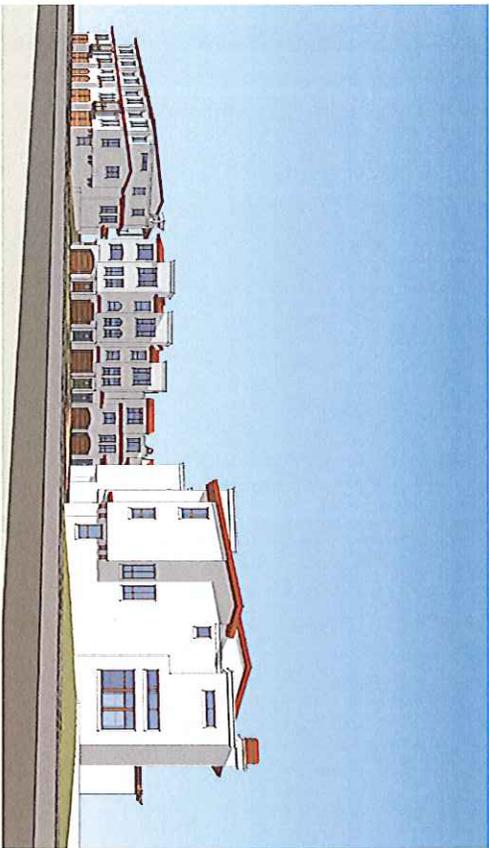
1/5.0



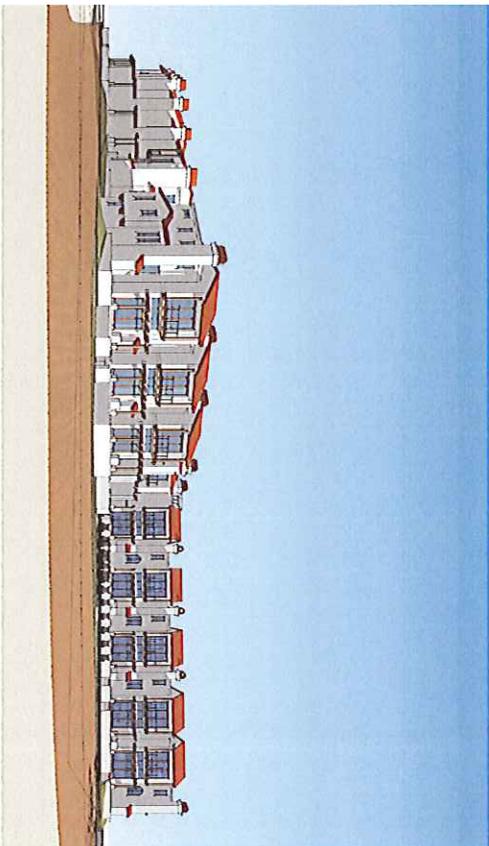
1 STREET LEVEL VIEW OF SITE (LOOKING TOWARDS NORTHEAST)
AS1 SCALE NTS



3 HIGH EYE-LEVEL VIEW OF SITE
AS1 SCALE NTS



2 STREET LEVEL VIEW OF SITE (LOOKING TOWARDS SOUTHWEST)
AS1 SCALE NTS



4 STREET LEVEL VIEW OF SITE (LOOKING TOWARDS EAST)
AS1 SCALE NTS

Contractor's statement: The permit holder has read and understands the provisions of the Ordinance and agrees to comply with all applicable provisions of the Ordinance. The permit holder is not a professional engineer or architect and does not intend to provide any engineering or architectural services in connection with the project. The permit holder is not a professional engineer or architect and does not intend to provide any engineering or architectural services in connection with the project.

SCHEDULE B
This forms part of development
Permit # DP12-0177 / DUPA-0178

RBA

Robert Ciccanti Architects Inc.
300 - 22nd Calabar Street
Toronto, Ontario M5T 1A7
Canada V6T 2T8
Tel: (416) 597-4041
www.rbaarchitects.com

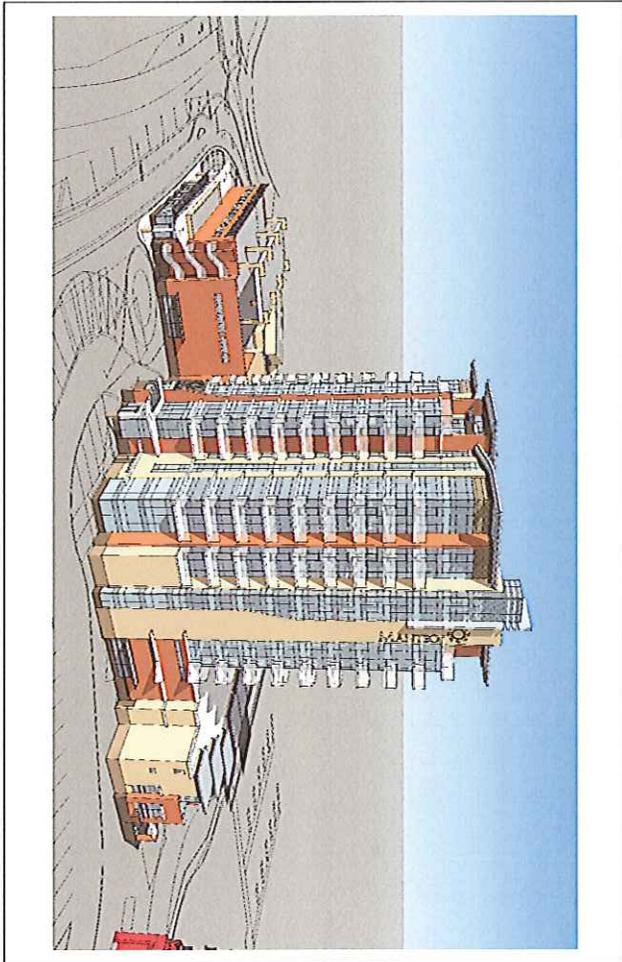
MANTO RESORT
EXPANSION
PHASE 1
3756 LAKESHORE RD.

NO.	REV.	DATE	DESCRIPTION
1	1	11/15/11	ISSUED FOR PERMITS

PERSPECTIVE RENDERINGS
- 1:AS1

PHASE 2

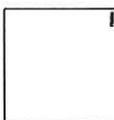
3766 LAKESHORE RD.



SCHEDULE B
 This forms part of development
 Permit # DP12-0177 / DP12-0178

CONTRACTOR'S RESPONSIBILITY: THE DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE ARCHITECT AND SHALL REMAIN HIS OR HER PROPERTY. NO PART OF THESE DRAWINGS OR SPECIFICATIONS SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

NO.	REVISION	DATE

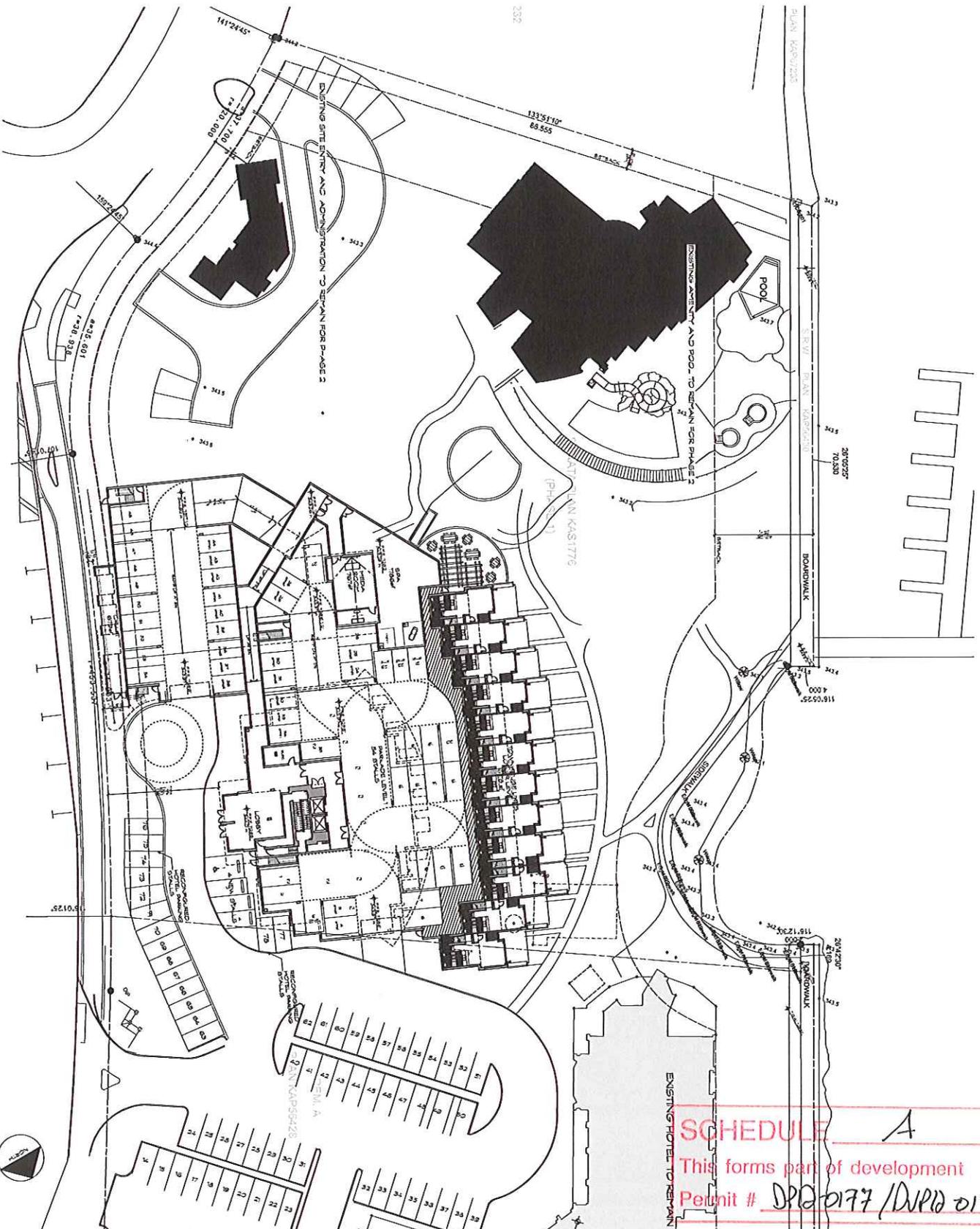


RGA
 Robert G. Anderson Architects Inc.
 250 - 2228 Champlain Street
 Vancouver, B.C.
 Tel: (604) 681-2722
 Fax: (604) 681-4451
 www.rga.com

NANTEO
RESORT
 PHASE 2
 EXPANSION
 3766 LAKESHORE RD.

NO.	REVISION	DATE

DIVIDER SHEET



SCHEDULE A
 This forms part of development
 Permit # DPD 0177 / DRP 0178

Scale	1:500
North Arrow	True North
Site Plan Level	1
Sheet No.	2, A10

YANTO RESORT
 EXPANSION
 PHASE 2
 3762 Lakeshore Rd.
 Malvern, BC

RCA
 Robert Coward Architects Inc.
 200 - 2288 Campbell Street
 Vancouver, B.C.
 Tel: (604) 681-4772
 Fax: (604) 681-4841
 Website: www.rca.ca

OWNER'S REPRESENTATIVE: THE CHIEF OF POLICE
 MUNICIPALITY OF MALVERN
 3762 LAKESHORE ROAD
 MALVERN, BC
 V5C 2S4
 TEL: (604) 681-4772
 FAX: (604) 681-4841
 WEBSITE: www.malvern.ca



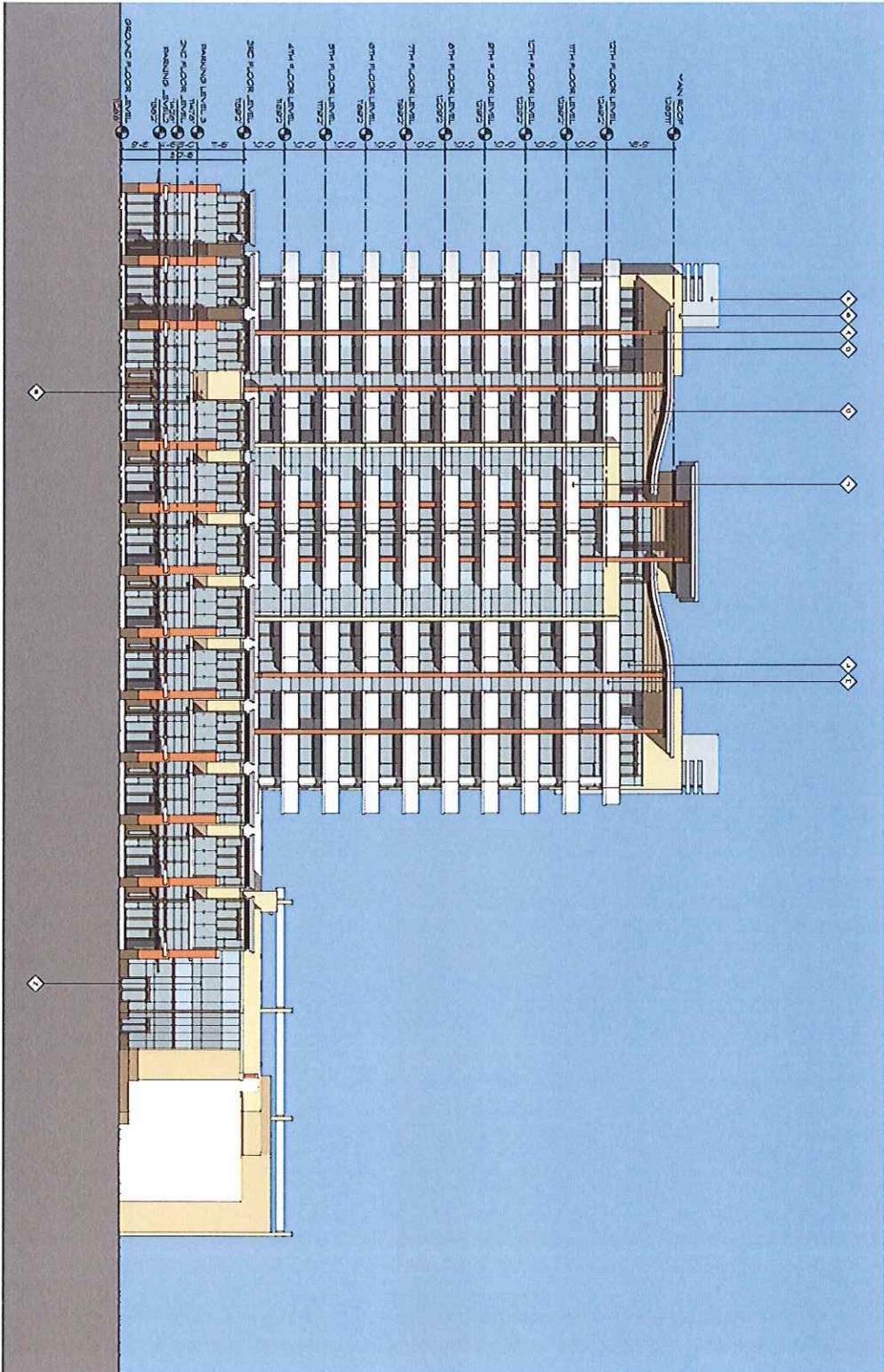
SCHEDULE A
 This forms part of development
 Permit # **DDP-077/DPD-0178**

VANTICO RESORT EXPANSION PHASE 2 3705 Lakeshore Rd. Maryland DC	
U300 1/2" = 1'-0"	2/A11
Demolition Plan	

RGA
 Robert Girard Architects Inc.
 200 - 2290 Columbia Street
 Vancouver, B.C.
 Tel: (604) 671-2772
 Fax: (604) 671-4841
 info@rga.com www.rga.com

SHEET NO. 20170127	DATE 07/20/17
DRAWN BY J. [Name]	CHECKED BY [Name]
PROJECT NO. 17-001	CLIENT Vantico Resort

1 WEST ELEVATION
SCALE: 1/8" = 1'-0"



INTERIOR LIGHT

▶ MANTLED CONCRETE GRANITE	▶ TYPED GLASS BALANCE
▶ MANTLED CONCRETE SLAB (YELLOW)	▶ METAL & GLASS BALANCE
▶ MANTLED CONCRETE FORMING	▶ UNGLAZED WINDOW WALL
▶ MANTLED CONCRETE MANTLE	▶ GRABBLE BALANCE GLASS
▶ MANTLED CONCRETE SLAB	▶ STONE-MANTLED GLASS & ALUMINUM FRAME
▶ MANTLED CONCRETE SLAB (WARM)	▶ MANTLED ALUMINUM OVERHEAD DOOR
▶ MANTLED CONCRETE SLAB (COLD)	▶ ILLUMINATED SIGNAGE & LETTERS
▶ MANTLED CONCRETE SLAB (WARM)	▶ TRANSLUCENT VERTICAL GLASS
▶ MANTLED CONCRETE SLAB (COLD)	▶ SUPPORTIVE STEEL STRUCTURE
▶ MANTLED CONCRETE SLAB (WARM)	

MANTLED RESORT PHASE 2 EXPANSION
 3720 LAKESHORE ROAD

IP	NO
1100	NO-254

WEST ELEVATION

2, A4.3

RGPA
 Robert Gordon Inc.
 200 - 22nd Street
 Vancouver, B.C.
 Canada V7Y 3T5
 Tel: (604) 681-4444
 Fax: (604) 681-4441
 admin@robertgordon.com

SCHEDULE
 This forms part of development
 Permit # **DP107710 / DP107710**

1
AS1
SCALE: NTS
VIEW OF PHASE 2 (LOOKING TOWARDS WEST)



<p>MANTO RESORT EXPANSION 3766 LAKESHORE ROAD</p>	
<p>3P N79</p>	<p>MC REV. 2014</p>
<p>PERPECTIVE RENDERING</p>	
<p>-</p>	<p>2, AS.1</p>

RGA
Robert G. Gaudin Architects Inc.
230 - 2278 Champlain Street
Montreal, QC
H3H 1R7
Tel: (514) 392-4411
info@rga.ca

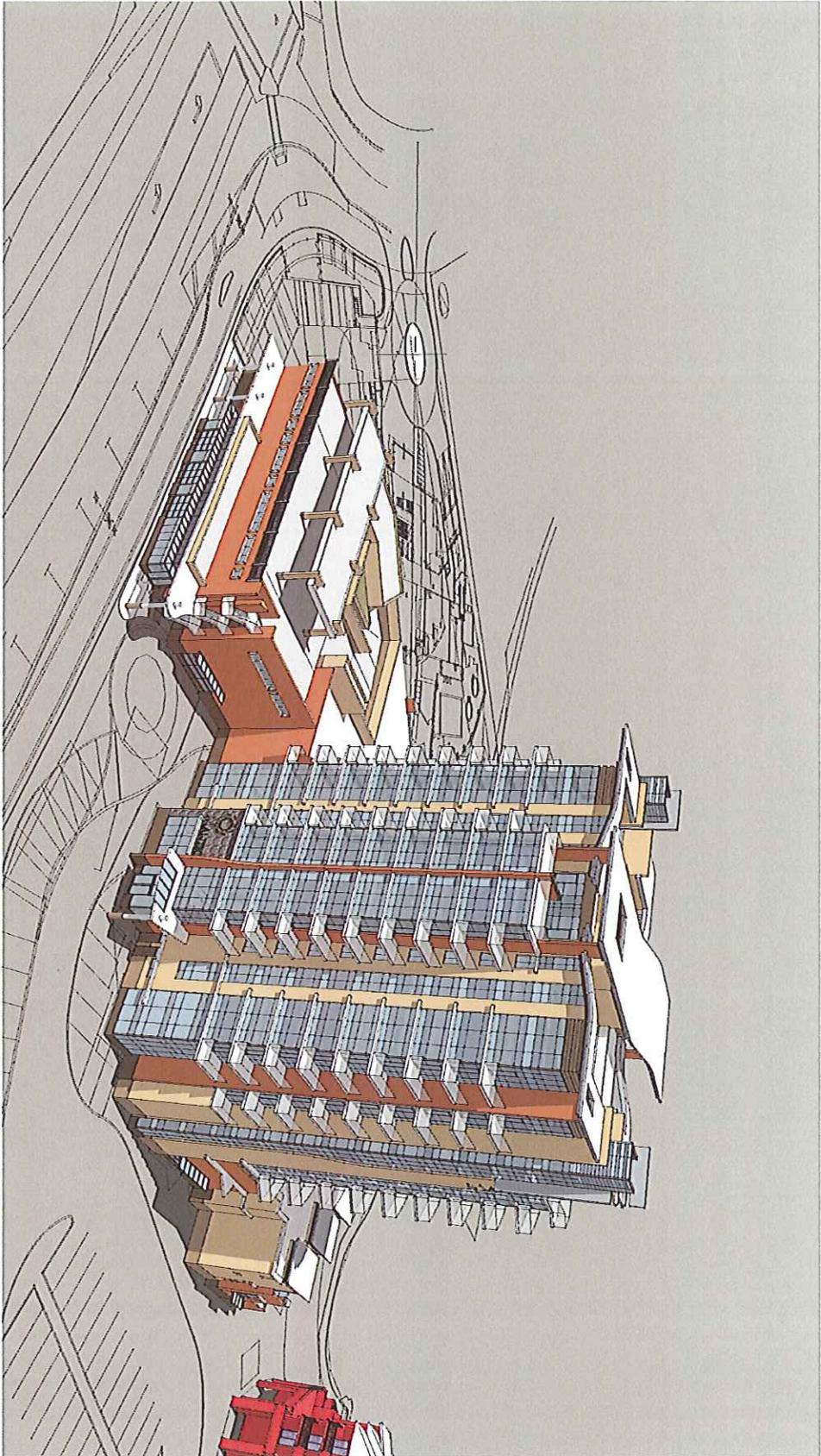


SCHEDULE B

This form is part of development permit application
Permit # **DR12 0177 / Du** 1783

Documenté, révisé, vérifié, approuvé et signé par le Consultant. L'acceptation des plans par le Consultant ne constitue pas une garantie de la conformité des plans avec les règlements municipaux. Le Consultant ne peut être tenu responsable de la réalisation des travaux de construction. Le Consultant ne peut être tenu responsable de la réalisation des travaux de construction. Le Consultant ne peut être tenu responsable de la réalisation des travaux de construction.

1 VIEW OF PHASE 2 (LOOKING TOWARDS WEST)
SCALE: 1/8" = 1'-0"



DATE	DESCRIPTION
-	2.A5.2

SP	NO.
N/A	N/A
PERSPECTIVE RENDERING	

MANTO
RESORT
PHASE 2
3766 LANDSHORE ROAD

Robert Crawford Architects Inc.
200 - 2200 Columbia Street
Calgary, AB T2C 1P7
Tel: (403) 278-4411
Fax: (403) 278-4411
www.rca.ca

RCA



SCHEDULE B

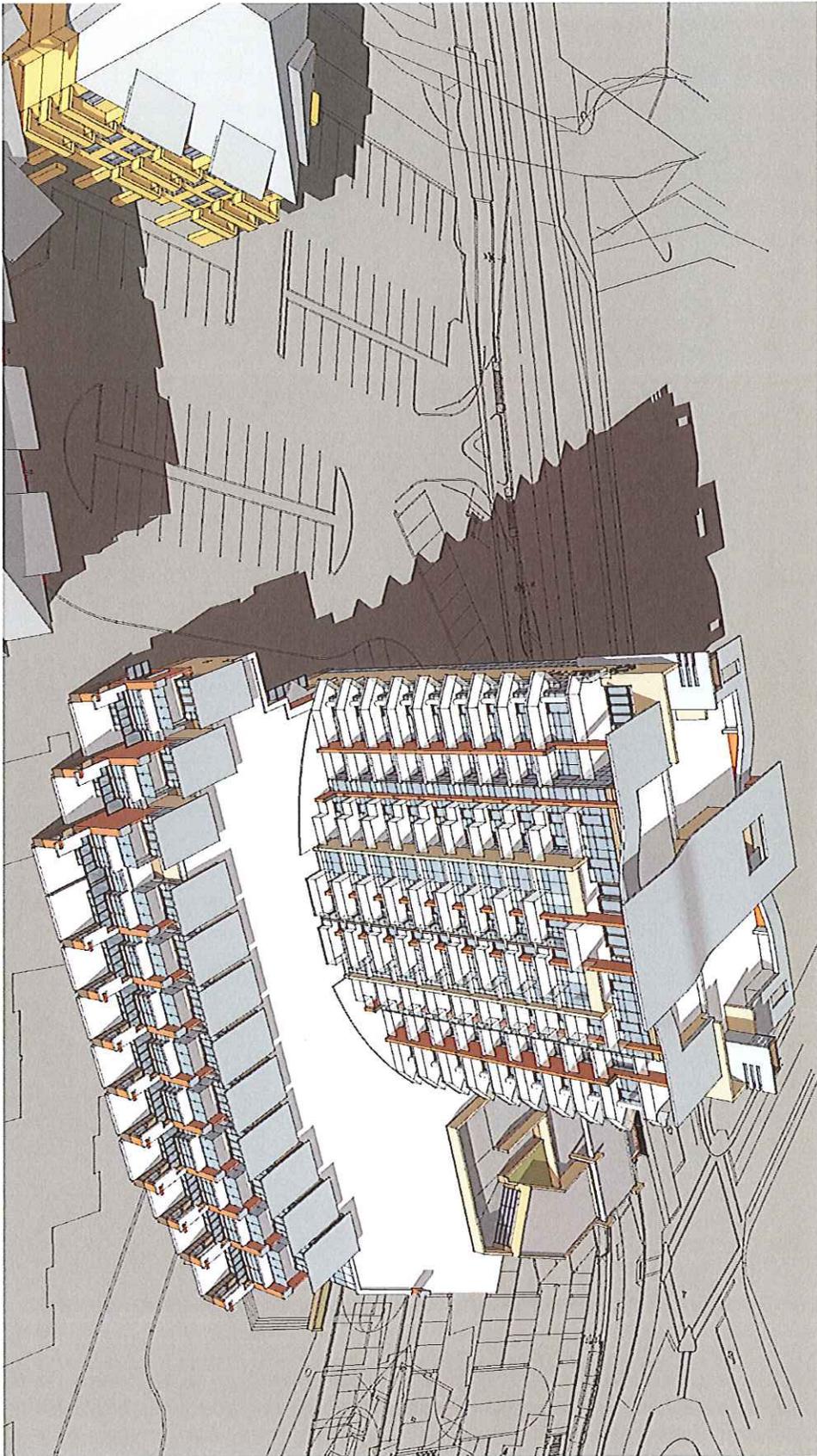
This forms part of development
Permit # DDP-0177/0178

DATE: 01/17/18

BY: [Signature]

FOR: [Signature]

1 VIEW OF PHASE 2 (LOOKING TOWARDS SOUTHEAST)
 Scale: 1/8" = 1'-0"



2	2	2	2
2	2	2	2
2	2	2	2
2	2	2	2

MANTED
 RESORT
 PHASE 2
 EXHIBIT
 3750 LAKESHORE ROAD

Robert Gierard Architects Inc.
 200 - 2200 Commercial Street
 CHICAGO, ILL 60612
 TEL: (312) 887-4411
 FAX: (312) 887-4411

RGA

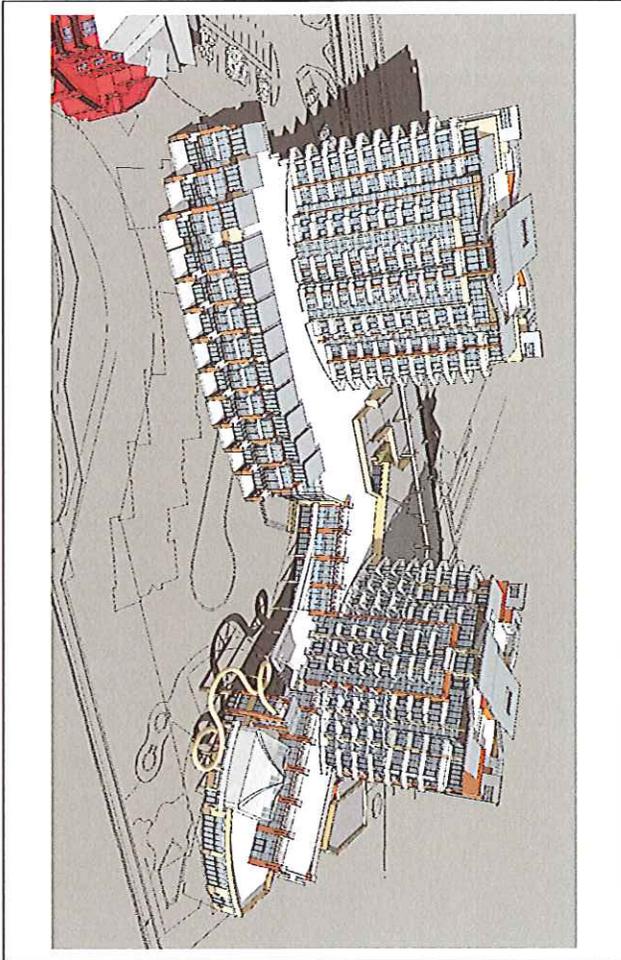


SCHEDULE B
 This forms part of development
 Permit # **DDP-0177/D**

01785

THESE PLANS, SPECIFICATIONS, AND SCHEDULES ARE THE PROPERTY OF RGA ARCHITECTURE AND DESIGN. THEY ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THESE PLANS, SPECIFICATIONS, AND SCHEDULES ARE TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT THE WRITTEN PERMISSION OF RGA ARCHITECTURE AND DESIGN.

PHASE 3 3766 LAKESHORE RD.



SCHEDULE B

This form is part of development permit application # DP12-077 / 1710-010

Permit # DP12-077 / 1710-010

Permitted: The applicant has provided all information required by the City of Seattle, Washington, and the Department of Planning and Development Services to process this application. The applicant is responsible for providing all information required by the City of Seattle, Washington, and the Department of Planning and Development Services to process this application. The applicant is responsible for providing all information required by the City of Seattle, Washington, and the Department of Planning and Development Services to process this application.

RGA

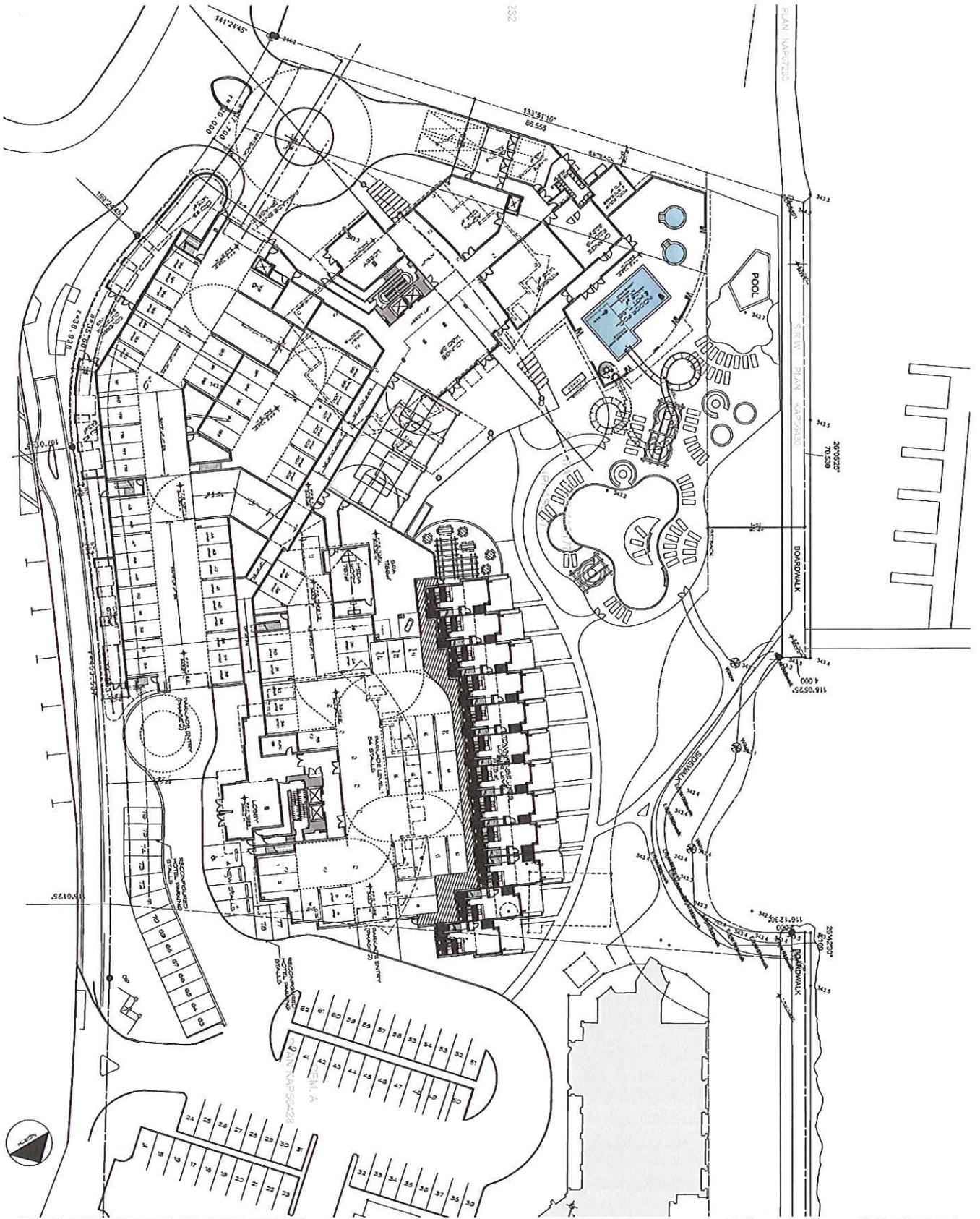
Robert Gray Architects Inc.
250 1st Avenue South
Seattle, WA 98104
Tel: (206) 467-4411
www.rga.com

**MANTEO
RESORT
PHASE 3
EXPANSION**
3766 LAKESHORE RD.

DIVIDER SHEET

-

3_A.O.C



**NANTICOKE RESORT
EXPANSION
PHASE 3
3700 NANTICOKE BLVD.
KALAMAZOO, MI 49001**

13800
N.C.A. 204

Site Plan
LEVEL 1

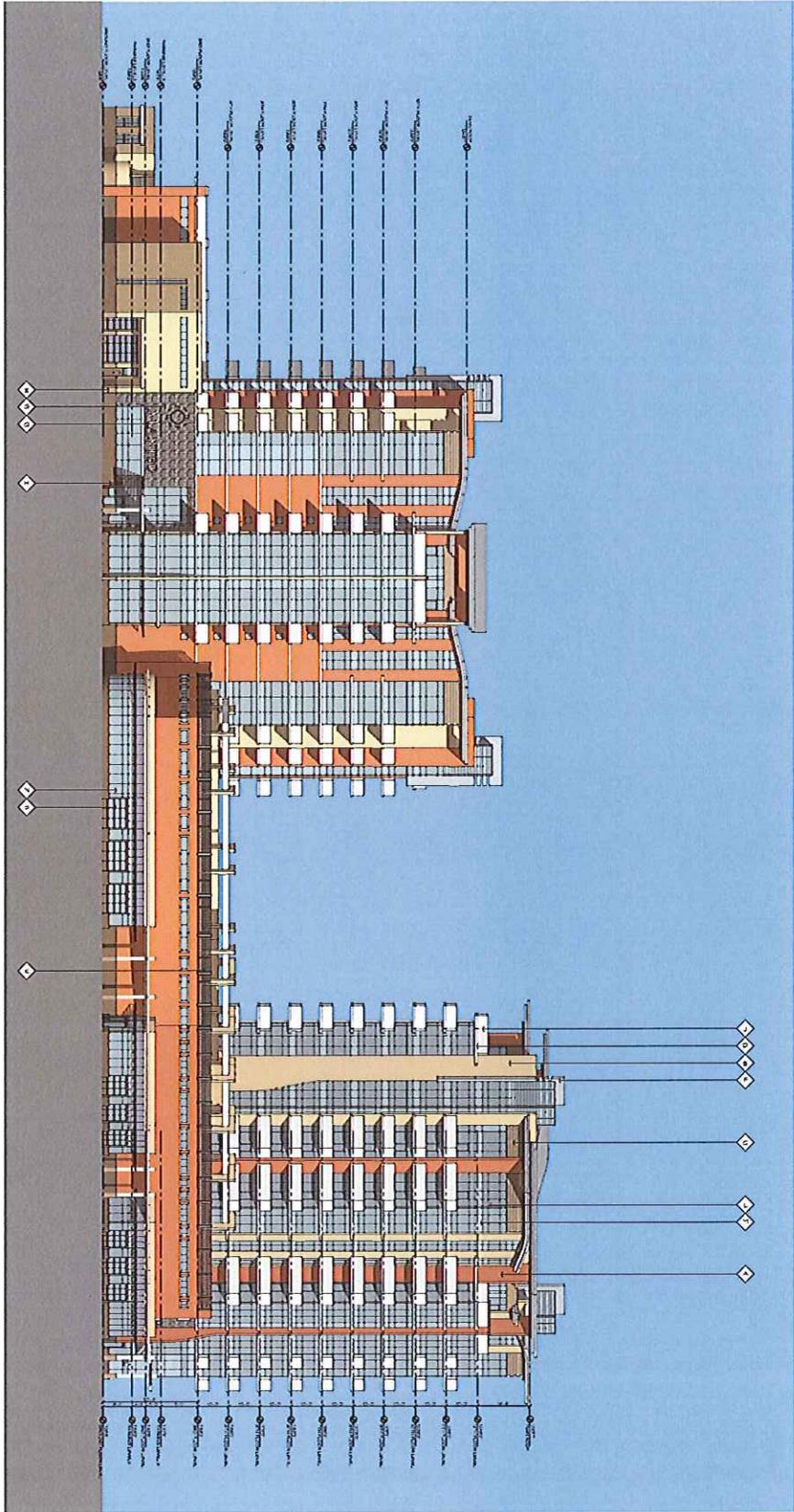
3.1A10

RGA
Robert Conrad Architects Inc.
200 - 2200 Capital Centre
Canton, MI 48813
TEL: (508) 888-4811
WWW.RGAARCHITECTS.COM

SCHEDULE A

This forms part of development
Permit # **DP10-0110/DP10-0110**

97



1 EAST ELEVATION - PHASE 2 & 3
SCALE: 1/8" = 1'-0"

- PARTIAL LIST
- 1-1 PAINTED CONCRETE SPANDREL
 - 1-2 PAINTED CONCRETE (LIGHT YELLOW)
 - 1-3 PAINTED CONCRETE (TAN)
 - 1-4 PAINTED CONCRETE (TAN)
 - 1-5 PAINTED CONCRETE (TAN)
 - 1-6 PAINTED CONCRETE (TAN)
 - 1-7 PAINTED CONCRETE (TAN)
 - 1-8 PAINTED CONCRETE (TAN)
 - 1-9 PAINTED CONCRETE (TAN)
 - 1-10 PAINTED CONCRETE (TAN)
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SCHEDULE
This forms part of development
Permit # **DP10-018**

88-078

99

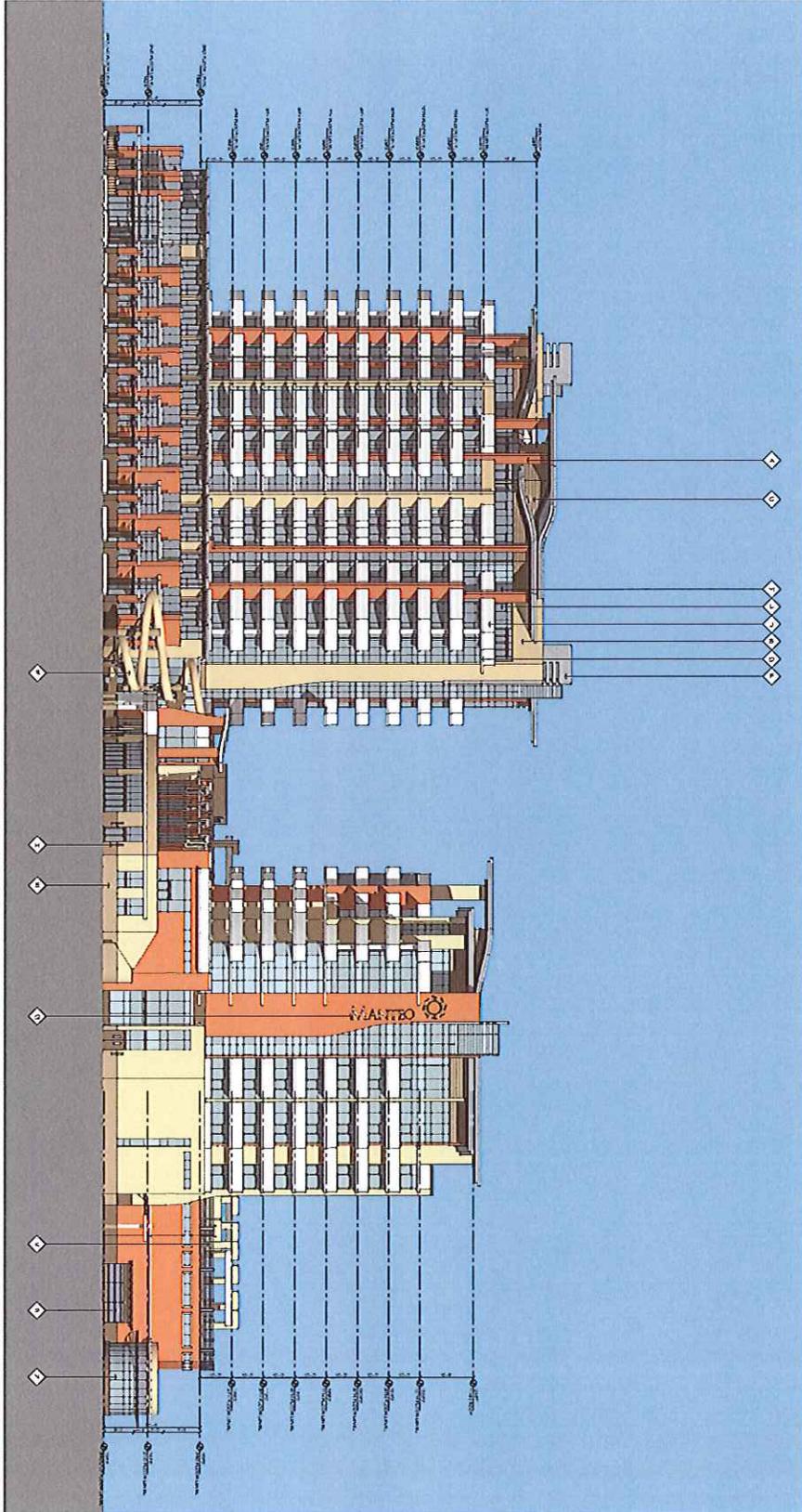
RGA
Robert Gordon Architecture Inc.
200 - 2225 Galloway Street
Wilmington, N.C.
Charlotte, N.C. 28203
Tel: (704) 399-4411
Fax: (704) 399-4411
www.rgaarchitect.com

MANTEO RESORT PHASE 3 EXPANSION
3700 LAKESHORE ROAD

EAST ELEVATION

3,44.0

1 SOUTH ELEVATION - PHASE 2 & 3
SCALE: 1/8" = 1'-0"



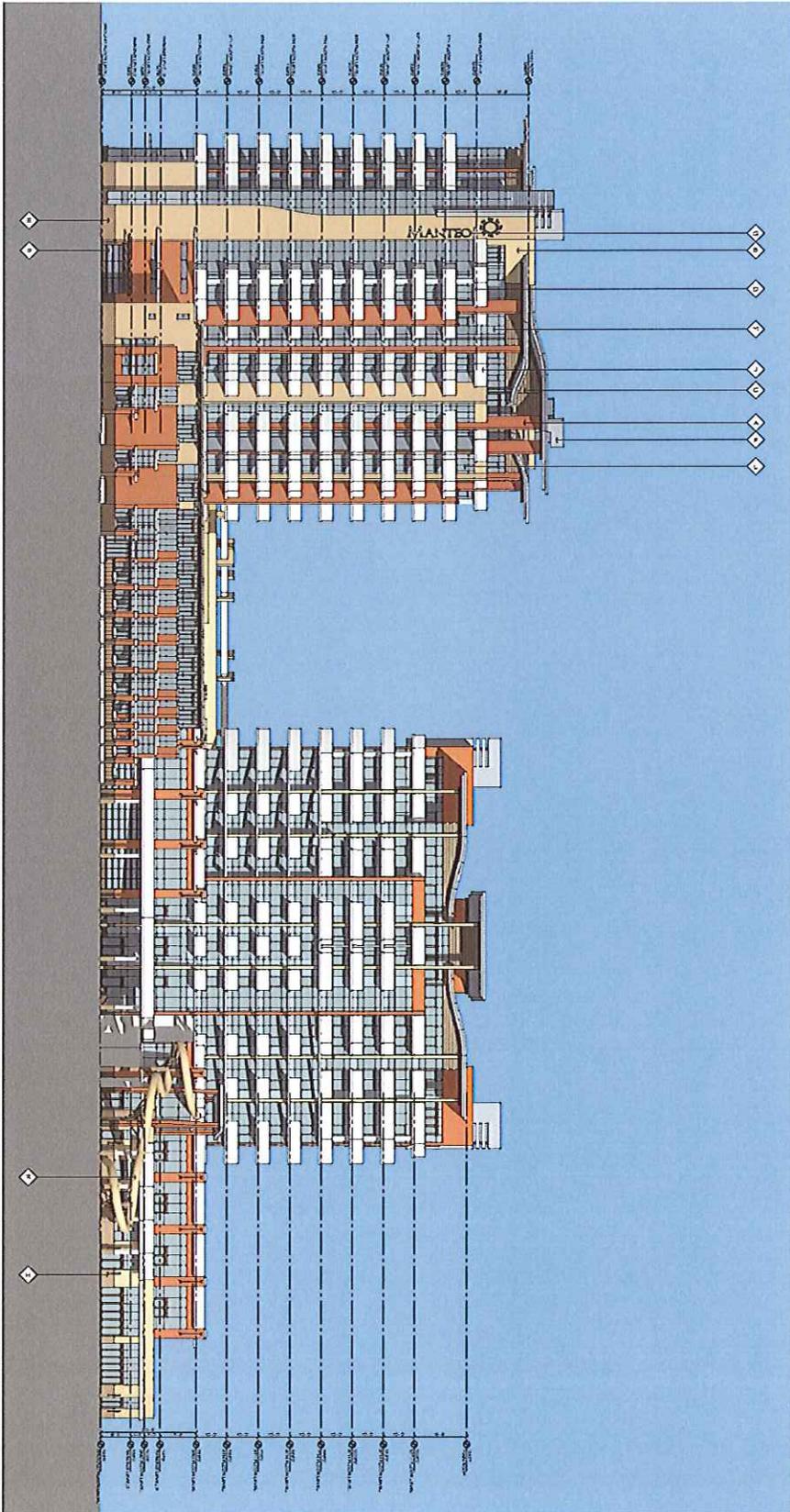
PARTIAL LIST

1	PAINTED CONCRETE SPANDREL	1	TRIPLEX GLASS BALUSTRADES
2	PAINTED CONCRETE (SHEET YELLOW)	2	TRIPLEX GLASS BALUSTRADES
3	PAINTED CONCRETE (FLATS)	3	TRIPLEX GLASS WINDOW WALL
4	PAINTED CONCRETE (WINGS)	4	TRIPLEX GLASS WINDOW WALL
5	PAINTED CONCRETE (ROOF)	5	TRIPLEX GLASS WINDOW WALL
6	PAINTED CONCRETE (SHEET GREEN)	6	TRIPLEX GLASS WINDOW WALL
7	PAINTED CONCRETE (SHEET GREEN)	7	TRIPLEX GLASS WINDOW WALL
8	PAINTED CONCRETE (SHEET GREEN)	8	TRIPLEX GLASS WINDOW WALL
9	PAINTED CONCRETE (SHEET GREEN)	9	TRIPLEX GLASS WINDOW WALL
10	PAINTED CONCRETE (SHEET GREEN)	10	TRIPLEX GLASS WINDOW WALL
11	PAINTED CONCRETE (SHEET GREEN)	11	TRIPLEX GLASS WINDOW WALL
12	PAINTED CONCRETE (SHEET GREEN)	12	TRIPLEX GLASS WINDOW WALL
13	PAINTED CONCRETE (SHEET GREEN)	13	TRIPLEX GLASS WINDOW WALL
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15	PAINTED CONCRETE (SHEET GREEN)	15	TRIPLEX GLASS WINDOW WALL
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17	PAINTED CONCRETE (SHEET GREEN)	17	TRIPLEX GLASS WINDOW WALL
18	PAINTED CONCRETE (SHEET GREEN)	18	TRIPLEX GLASS WINDOW WALL
19	PAINTED CONCRETE (SHEET GREEN)	19	TRIPLEX GLASS WINDOW WALL
20	PAINTED CONCRETE (SHEET GREEN)	20	TRIPLEX GLASS WINDOW WALL

MANTEO RESORT PHASE 3 EXPANSION
 3766 LAKESHORE ROAD
 MANTEO, NC 28550
 DATE: 11/12/2014
 SHEET: 3_A4.1
 SOUTH ELEVATION

RGA
 Robert G. Galloway Architects Inc.
 200 22nd Columbia Street
 Wilmington, NC 28401
 Phone: (910) 399-4411
 Fax: (910) 399-4411
 www.rga.com

SCHEDULE
 This forms part of development
 Permit # **DDP 0177 / DDP 0178**



1 WEST ELEVATION - PHASE 2 & 3
 443 SCALE: 1/8" = 1'-0"

PARTIAL LIST

1-1	PAINTED CONCRETE (BRAND)	1-2	IMPREG. GLASS BALUSTRADE
1-2	PAINTED CONCRETE (LAMP YELLOW)	1-3	MESH & GLASS BALUSTRADE
1-3	PAINTED CONCRETE (TAN)	1-4	GLASS BALUSTRADE WINDOW WALL
1-4	PAINTED CONCRETE (TAN)	1-5	SPECIAL FINISHES: GLASS
1-5	PAINTED CONCRETE (BRAND)	1-6	STAINLESS STEEL GLASS & ALUMINUM MESH
1-6	PAINTED ALUMINUM OVERBLIND COOKS	1-7	PAINTED ALUMINUM OVERBLIND COOKS
1-7	GLASS BALUSTRADE WINDOW WALL	1-8	ALUMINUM BALUSTRADE LUMINIS
1-8	GLASS BALUSTRADE WINDOW WALL	1-9	ALUMINUM BALUSTRADE LUMINIS
1-9	IMPREG. GLASS BALUSTRADE	1-10	ALUMINUM BALUSTRADE LUMINIS
1-10	IMPREG. GLASS BALUSTRADE	1-11	ALUMINUM BALUSTRADE LUMINIS

MANTO RESORT PHASE 3 EXPANSION 3700 LAKESHORE ROAD	
SP	NC
NOO	NO-204
WEST ELEVATION	
3_A4.3	

RBA
 Robert Dixon Architects Inc.
 200 - 22nd Columbia Street
 Vancouver, B.C.
 Canada V6Y 3T9
 Tel: (604) 673-4444
 Fax: (604) 673-4441
 info@robertdixon.com

SCHEDULE B

This form is part of development permit # **DR-10-077/DR-10-078**

102



SCHEDULE B
This forms part of development
Permit # DPO-0177 / DPO-0178



SCHEDULE B
This forms part of development
Permit # DPD-0177 / DPD-0198



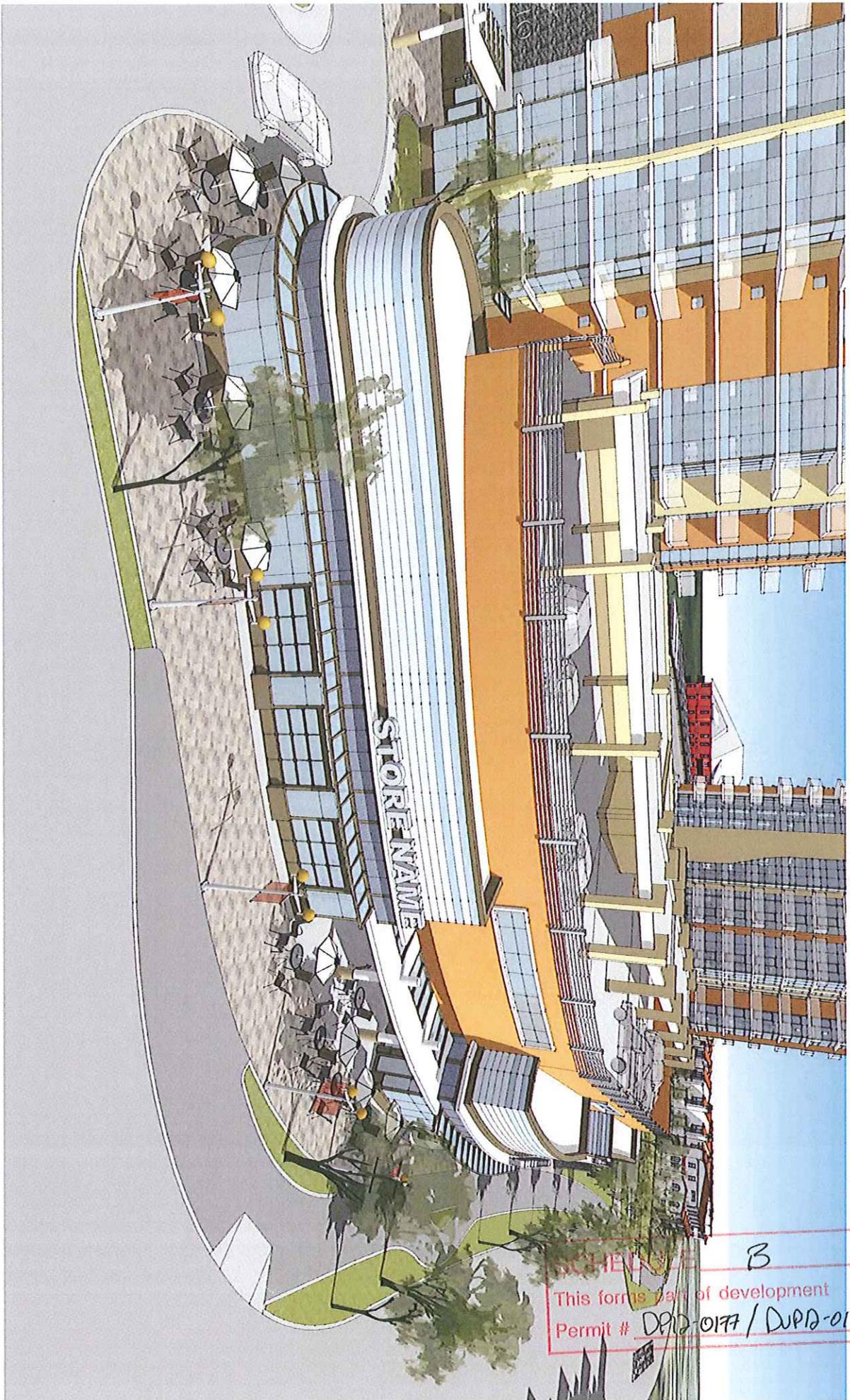
SCHEDULE B
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Permit # DPD-0177 / DUPD-0178



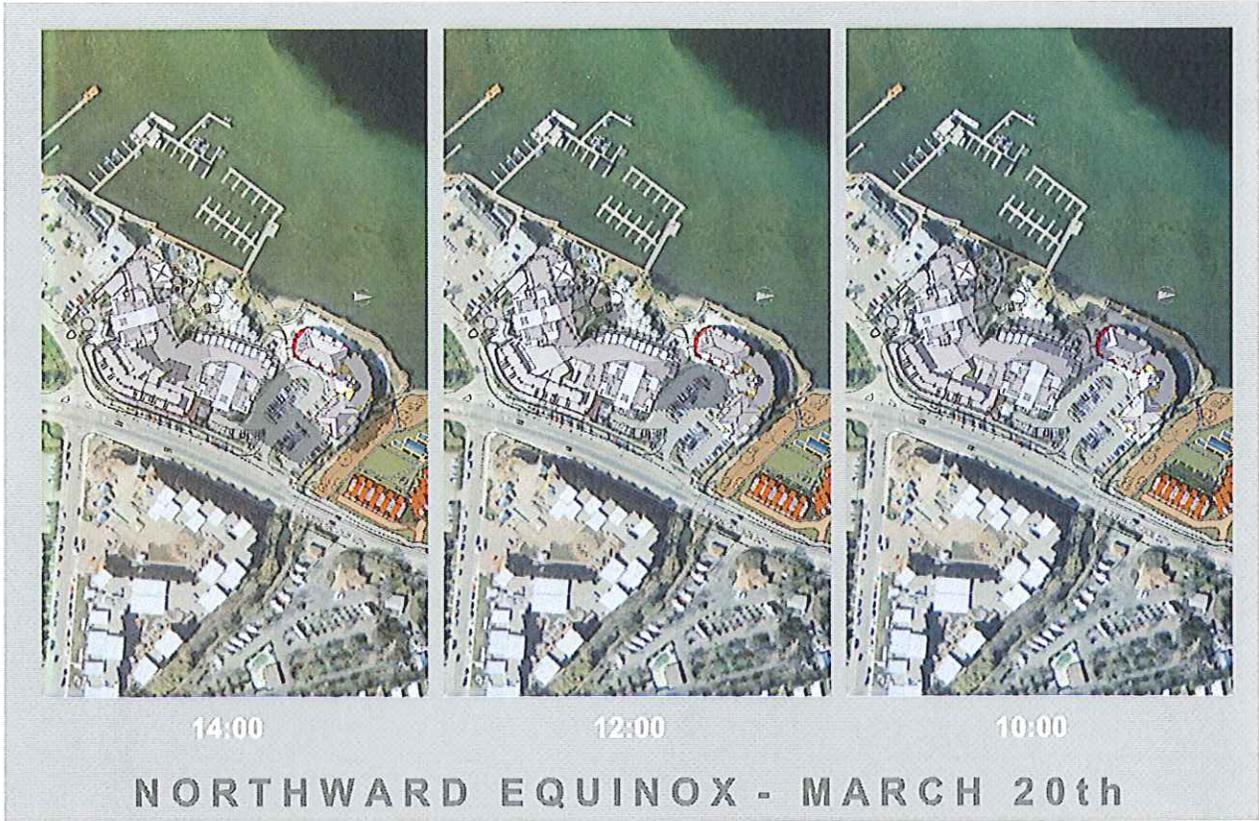
SCHEDULE B
This forms part of development
Permit # DD-0177/DPD-0178



SCHEDULE B
This forms part of development
SPD-0177 / DPD-0178
Permit #



SCHEDULE B
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Permit # DPD-0177 / DPD-0178

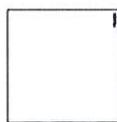


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SCALE	A2.3

PROJECT	NANTICO RESORT PHASES 2 AND 3 EXPANSION STUDY
DATE	14:00
SCALE	A2.3

PROJECT	NANTICO RESORT PHASES 2 AND 3 EXPANSION STUDY
DATE	14:00
SCALE	A2.3

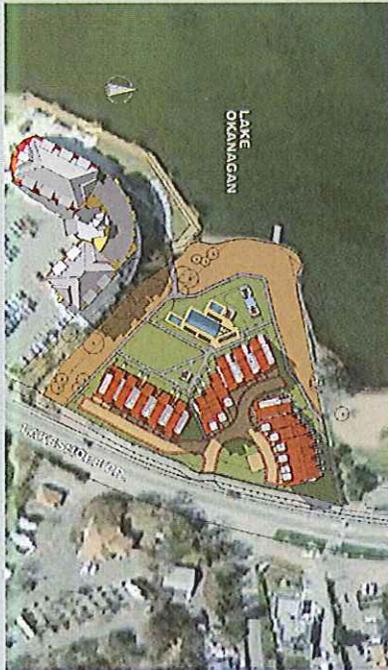
PGA
 Robert Eckhardt Architecture Inc.
 200 - 2299 Colquhoun Street
 Vancouver, B.C.
 Canada V7S 3T8
 Tel: (604) 687-2441
 Fax: (604) 687-2441
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DATE	14:00
SCALE	A2.3

PROJECT	NANTICO RESORT PHASES 2 AND 3 EXPANSION STUDY
DATE	14:00
SCALE	A2.3

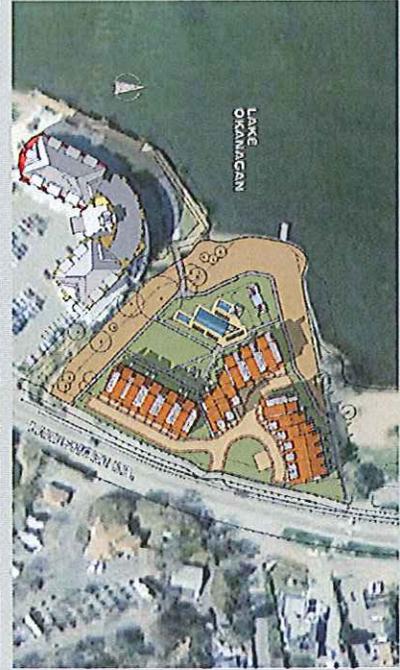
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14:00

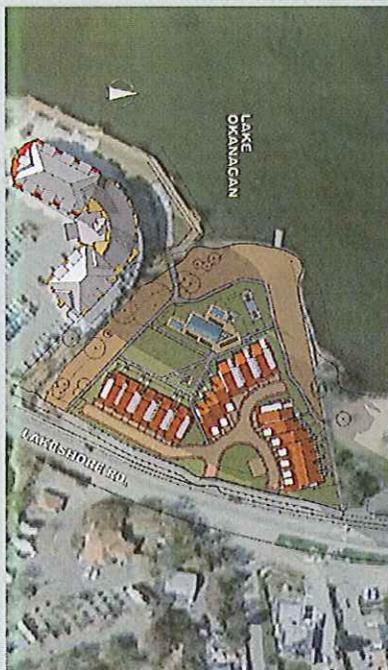


12:00



10:00

SOUTHWARD EQUINOX - SEPTEMBER 22th



14:00



12:00



10:00

SOUTHERN SOLSTICE - DECEMBER 22th

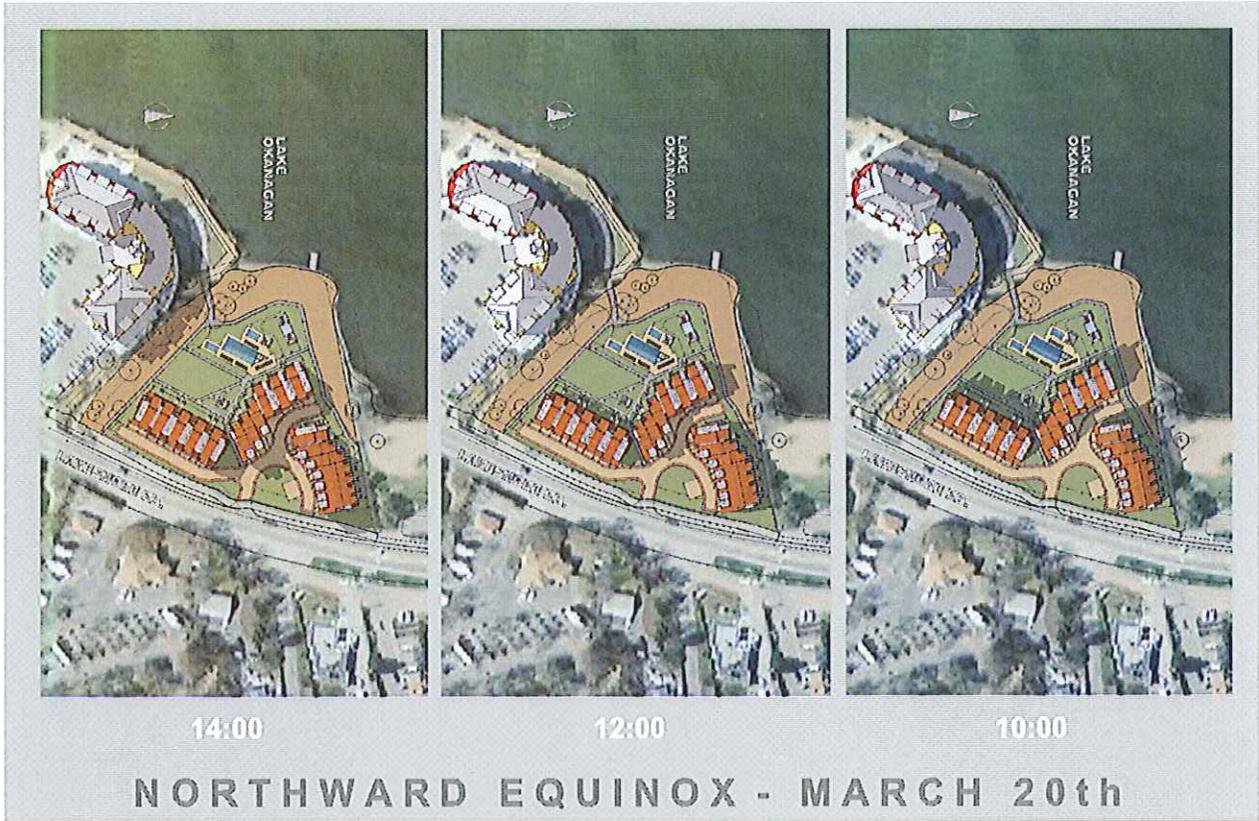
<p>NANTECO RESORT PHASE 1 3750 LAKEVIEW RD.</p>	
DATE	12/22/2011
SCALE	AS SHOWN
<p>SHADOW STUDIES</p>	
<p>A2.1</p>	

RCA
Robert Conrad Architects Inc.
200 - 2370 Columbia Street
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DATE	12/22/2011
SCALE	AS SHOWN

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DATE	14:00
SCALE	1/8" = 1'-0"
PROJECT	SHADOW STUDIES
DRAWN BY	A2.0

MANTO RESORT PHASE 1
 3700 LAKEVIEW RD.
 LAKE OKANOGAN, WA 98831

PGA
 Robert Cloward Architects Inc.
 200 - 209 Columbia Street
 Vancouver, B.C.
 Canada V7T 3T8
 Tel: (604) 687-4411
 Fax: (604) 687-4411
 www.rcaarchitects.com

DATE	14:00
SCALE	1/8" = 1'-0"
PROJECT	SHADOW STUDIES
DRAWN BY	A2.0

THESE SHADOW STUDIES WERE PREPARED FOR THE MANTO RESORT PHASE 1 DEVELOPMENT BY PGA ARCHITECTS INC. AND ARE NOT TO BE USED FOR ANY OTHER PROJECT OR PURPOSE WITHOUT THE WRITTEN PERMISSION OF PGA ARCHITECTS INC.

✓

CITY OF KELOWNA
MEMORANDUM

Date: October 24, 2012
File No.: DP12-0177

To: Land Use Management Department (AW)

From: Development Engineering Manager

Subject: 3756 & 3766 Lakeshore Road Manteo Resort Expansion

Development Engineering has the following comments and requirements associated with these applications. The road and utility upgrading requirements outlined in this report will be a requirement of this development.

1. Domestic Water and Fire Protection

- (a) The developer's consulting mechanical engineer will determine the domestic and fire protection requirements of this proposed development and establish hydrant requirements and service needs.
- (b) The proposed development site 3756 Lakeshore Rd is currently serviced with a 50mm diameter water service. Only one service will be permitted for this development. The applicant, at his cost, will arrange for the disconnection of the existing service at the main and the installation of one new larger water service.
- (c) The proposed development site 3766 Lakeshore Rd is currently serviced with three (3) - 150mm water services. Typically only one service is permitted for this development. The applicant, at his cost, will arrange for the disconnection of the existing service at the main and the installation of one new larger water services if required.
- (d) Water meters are mandatory for this development and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The developer or building contractor must purchase the meter at the time of application for a building permit and prepare the meter setter at his cost
- (e) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures. The City of Kelowna water meter contractor must salvage existing water meters, prior to building demolition. If water meters are not salvaged, the developer will be invoiced for the meters.

2. Sanitary Sewer

- (a) The developer's consulting mechanical engineer will determine the development requirements of this development and establish the service needs.
- (b) Our records indicate that this proposed development site 3756 Lakeshore Road is connected with a 200mm diameter sewer service. It is anticipated that the existing service will be utilised for this development. An inspection chamber will need to be installed on the service.
- (c) Our records indicate that this proposed development site 3766 Lakeshore Road is connected with two (2) 200mm diameter sewer services and one (1) – 150mm diameter sewer service. It is anticipated that the existing service will be utilised for this development. Inspection chambers will need to be installed on these services. Typically only one service is permitted for this development. The applicant, at his cost, will arrange for the disconnection of the existing service at the main and the installation of one new larger sewer services if required.

3. Storm Drainage

- (a) The developer must engage a consulting civil engineer to provide a storm water management plan for the site, which meets the requirements of the City Storm Water Management Policy and Design Manual. The storm water management plan must also include provision of lot grading plan, minimum basement elevation (MBE), if applicable, and recommendations for onsite drainage containment and disposal systems.
- (b) On site storm drainage systems and overflow service(s) for the site will be reviewed and approved by Engineering when a site servicing design is submitted.

4. Road Improvements

- (a) Lakeshore Road fronting this development was upgraded to a full urban standard including a multi use pathway, street lighting, curb and gutter, piped storm drainage system including catch basins and manholes, pavement widening, and landscaped boulevard. The cost associated with the road frontage improvements were budgeted by the City as part of the Lakeshore Road Multi-Use Corridor Project.
- (b) Preloading of the development site will impact the integrating of Lakeshore Road. Service upgrades as well as driveway access modifications will require reconstruction of the recently completed road frontage improvements including the multi-use corridor, barrier curb, ornamental street lighting and boulevard landscaping. The extent of restoration required will be at the discretion of the City Development Engineer.
- (c) The proposed access location to 3756 Lakeshore Road shall line up with the access driveway for Lot B Plan 12063 (Kasian). Full access movements will be provided for 3756 Lakeshore Road with the installation of a traffic control signal. The cost of the traffic signal is estimated at \$230,000.00. This developer's share of the signal cost will be **\$ 57,500.00**
- (d) Access to 3766 Lakeshore Road will be limited to right-in / right-out only onto Lakeshore Road by a raised median. The Cook Road access will need to be reviewed and approved by the Transportation & Mobility Manager.

5. Road Dedication and Subdivision Requirements

- (a) Provide a highway allowance widening along the frontage of 3756 Lakeshore Road to provide a 30.0m road width.
- (b) If any road dedication or closer affects lands encumbered by a Utility right-of-way (such as Gas, etc.) please obtain the approval of the utility prior to application for final subdivision approval. Any works required by the utility as a consequence of the road dedication or closer must be incorporated in the construction drawings submitted to the City's Development Manager.
- (c) A 15-meter wide "leave strip" is required adjacent to Wilson Creek through this property. This leave strip should be registered as a Road right-of-way.
- (d) Provide all necessary Statutory Rights-of-Way for any utility corridors required, including those on proposed or existing City Lands.

6. Electric Power and Telecommunication Services

The electrical and telecommunication services to this building must be installed in an underground duct system, and the building must be connected by an underground service. It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services, which would be at the applicant's cost.

7. Street Lighting

Street lighting including underground ducts must be installed on Lakeshore Road fronting on the proposed development. The cost of this requirement is included in the roads upgrading item.

8. Design and Construction

- (a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- (b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- (c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- (d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- (e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

9. Servicing Agreements for Works and Services

- (a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing Agreement must be in the form as described in Schedule 2 of the bylaw.
- (b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.

10. Geotechnical Report

As a requirement of this application and building permit approval the applicant must provide a comprehensive geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

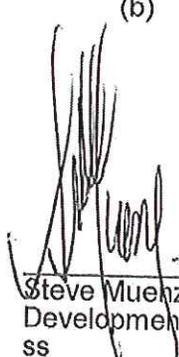
- (a) Area ground water characteristics, including water sources on the site.
- (b) Site suitability for development; i.e. unstable soils, foundation requirements etc.
- (c) Drill and/or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.
- (e) Additional geotechnical survey may be necessary for building foundations, etc.

11. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

12. Development Permit and Site Related Issues

- (a) The development variance permit to vary the maximum height requirement does not compromise our servicing requirements.
- (b) The environmental ramifications of new and existing features including retaining walls, location of onsite storm disposal systems, building setbacks from Okanagan Lake must be considered. Development Engineering will defer comment on those issues to the City Environment and Land Use Manager and the Provincial Government



Steve Muenz, P. Eng.
Development Engineering Manager
ss